



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD) Nos.14075, 14590, 14617, 14629, 14608, 14611, 14615, 14324,
14847 and 14852 of 2021

and

W.M.P(MD) Nos.11758, 11760, 11752, 11754, 11305, 11304, 11565, 11044,
11525, 11538, 11539, 11548, 11549, 11757, 11750, 11303, 11563,
11547, 13377, 11545, 11537, 11535 and 11524 of 2021

V.PRADEESH	... PETITIONER in WP(MD) No.14075 of 2021
BABURAJ	... PETITIONER in WP(MD) No.14590 of 2021
R.KRISHNAKUMAR	... PETITIONER in WP(MD) No.14617 of 2021
A.SAHAYA JUDE DHAS	... PETITIONER in WP(MD) No.14629 of 2021
L.MICHEAL JOSE	... PETITIONER in WP(MD) No.14608 of 2021
T.MANI	... PETITIONER in WP(MD) No.14611 of 2021
G.SASIKUMAR	... PETITIONER in WP(MD) No.14615 of 2021
R.SUMAN	... PETITIONER in WP(MD) No.14324 of 2021
JACOB EMMIONOUS THOMAS	... PETITIONER in WP(MD) No.14847 of 2021
JEMINISH	... PETITIONER in WP(MD) No.14852 of 2021

Vs

- 1.THE DISTRICT COLLECTOR
KANYAKUMARI DISTRICT,
KANYAKUMARI ... **1st Respondent in All Cases**
- 2.THE ASSISTANT DIRECTOR,
TOWN PANCHAYATHS, NAGERCOIL,
KANYAKUMARI DISTRICT. ... **2nd Respondent in WP(MD) Nos.14075,
14608, 14324, 14847 and 14852
of 2021**
- 3.THE EXECUTIVE OFFICER
THINGAL NAGAR SELECTION GRADE TOWN PANCHAYAT,
KANYAKUMARI DISTRICT. ... **3rd Respondent in All Cases**
- 4.THE SPECIAL OFFICER,
THINGAL NAGAR TOWN PANCHAYAT
AND ASSISTANT DIRECTOR, TOWN PANCHAYATS,
NAGERCOIL ZONE - 629 001 ... **2nd Respondent in WP(MD) Nos.14590,
14617, 14629 of 2021**
- 5.THE SPECIAL OFFICER
THINGAL NAGAR SELECTION GRADE TOWN PANCHAYAT,
NAGERCOIL ZONE, -629 001. ... **2nd Respondent in WP(MD) Nos.14611
of 2021**



6.THE SPECIAL OFFICER CUM ASSISTANT DIRECTOR,
THINGAL NAGAR SELECTION GRADE PANCHAYAT
CUM DIRECTORATE OF TOWN PANCHAYATS,
NAGERCOIL REGION,
KANYAKUMARI DISTRICT. ...**2nd Respondent in WP(MD)No.14615 of 2021**

Prayer in WP(MD) . 14075/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari to call for the records relates to the impugned notice of the 3rd respondent dated 28-07-2021, in Na.Ka.No.142/2017/A1 and quash the same and to pass such further order or orders which may deem to pass with regard to the facts and circumstances of the Writ Petition.

Prayer in WP(MD) . 14590/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records of the relating to paper publication dated 26.07.2021 for conducting public auction once again in respect of the petitioner allotted shop no.59 and quash the same, consequently to declare the notice in reference Na.Ka.No.142/2017/A1 dated 28.07.2021 on the file of 3rd respondent as illegal and directing the 3rd respondent to allow the petitioner to continue his business in shop no.59, which was already taken by him in public auction and to pass such further or other orders as this Honble court may deem fit and proper in the circumstances of the case.

Prayer in WP(MD) . 14617/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records for the relating to paper publication dt. 26.07.2021 for conducting public auction once again in respect of petitioner allotted Shop No.57 and quash the same, consequently to declare the notice in referece Na.Ka.No.142/2017/A1 dt.28.07.2021 on the file of 3rd respondent as illegal and directing the 3rd Respondent to allow the petitioner to continue his business in shop No.57, which was already taken by him in public auction and to pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case.

Prayer in WP(MD) . 14629/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue an Writ, Order or direction in the nature of WRIT OF CERTIORARIFIED MANDAMUS to calling for the records of the relating to paper publication dated 26.07.2021 for conducting public auction once again in respect of petitioner allotted shop no 58 and quash the same consequently to declare the notice in reference Na.Ka.No.142/2017/A1 dated 28.07.2021 on the file of 3rd respondent as illegal and directing the 3rd Respondent to receive the rental amount and allow the petitioner to continue



his business in shop no 58, which was already taken by him in public auction and to pass such further or other orders as this Honble Court may deem fit and proper in the above facts and circumstances.

Prayer in WP(MD) . 14608/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus directing the respondent to call for the records pertaining to the publication published by the 3rd respondent in Na.Ka.No.142/2017/A2 dated 26.07.2021 for conducting Re-General Auction/Tender dated 18.08.2021 for Thingal Nagar, Selection Grade Town Panchayat, new Kamaraj Bus Stand Shop No.46 and QUASH the same and consequently SET ASIDE the notice sent by the 3rd respondent to the petitioner in Na.Ka.No.142/2017/A1 dated 28.07.2021 and consequently directing the Respondent to confirm the shop no.46, which is allotted to the petitioner in Re-General Auction / Tender Conduct by the 3rd respondent on 15.07.2021.

Prayer in WP(MD) . 14611/ 2021 :

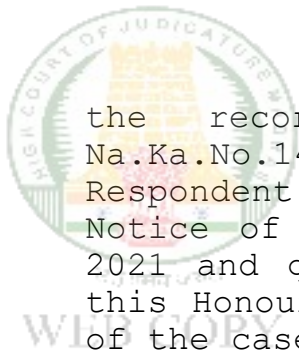
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling ro the records of the impugned order passed by the 2nd respondent herein in his notice in Na.Ka.No.142/2017/A1 dt. 28.07.2021 and the consequential Re-Tender cum auction notice issued by the 2nd and 3rd Respondents herein in Na.Ka.No.142/2017/A2 dt. 26.07.2021 and quash the same as illegal and further direct the 2nd and 3rd Respondents herein to allot the Shop No.35, New Kamarajar Bus Stand, Thingal Nagar Town Panchayat, Kanyakumari District by considering petitioners representation dt. 03.08.2021 and pass orders in accordance with law after a fair opportunity of being heard within a time stipulated by this Honble Court.

Prayer in WP(MD) . 14615/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of CERTIORARIFIED MANDAMUS or any other appropriate writ or order or direction, in the nature of writ, calling for the records in respect of impugned communication dated 28.07.2021 vide Na.Ka.No.142/2017/A1 issued by the 3rd Respondent herein and the proceedings in Na.Ka.No.142/2017/A2 dated 26.07.2021 issued by the Respondents 2 and 3 which was published in Daily Thanthi on 30.07.2021, quash the same and consequently direct the Respondents to allot the shop No.17 Kamarajar Bus Stand, Thingal Nagar at the monthly rent of Rs.2500/- to the petitioner herein with the time to be stipulated by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case.

Prayer in WP(MD) . 14324/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari, calling for



the records relating to the impugned Tender Notice in Na.Ka.No.142/2017/A2 dated 26-07-2021 on the file of the 3rd Respondent in so far as shop No.36 is concerned and the consequent Notice of the 3rd respondent in Na.Ka.No.142/2017/A1 dated 28-07-2021 and quash the same and pass such further or other orders as this Honourable Court may deem fit proper in the said circumstances of the case.

Prayer in WP(MD). 14847/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned Tender Notice in Na.Ka.No.142/2017/A2 dt. 26.07.2021 on the file of the 3rd Respondent in so far as Shop No.62 is concerned and the consequent Notice of the 3rd Respondent in Na.Ka.No.142/2017/A1 dt. 28.07.2021 and quash the same and pass such further or other orders as this Honble Court may deem fit and proper in the said circumstances of the case.

Prayer in WP(MD). 14852/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, writ or direction in the nature of a writ calling for the records relating to the impugned Tender Notice in Na.Ka.No. 142/2017/A2 dated 26.07.2021 on the file of the 3rd Respondent in so far as Shop No. 54 is concerned and the consequent Notice of the 3rd respondent in Na.ka.No. 142/2017/A1 dated 28.07.2021 and quash the same and pass such further or other orders as this Honble Court may deem fit proper in the circumstances of the case.

For Petitioner	:	Mr.J.John Jayakumar (In W.P(MD).No.14075 of 2021)
For Petitioner	:	Mr.V.Kathirvel, Senior Counsel For M/s.T.Wins (In W.P(MD).Nos.14590, 14617, 14629 of 2021)
For Petitioner	:	Mr.P.Aju Tagore (In W.P(MD).No.14608 of 2021)
For Petitioner	:	Mr.K.Prabhu (In W.P(MD).Nos.14324, 14847, 14852 of 2021)
For Petitioner	:	Mr.R.Murugan (In W.P(MD).No.14611 of 2021)
For Petitioner	:	Mr.V.Ayyapparaja (In W.P(MD).No.14615 of 2021)
For R-1 and R-2	:	Mr.K.S.Selva Ganesan, Counsel for State. (In W.P(MD).No.14075 of 2021)



For R-1 and R-2 : Mr.P.Subbaraj,
Counsel for State.
(In W.P(MD).Nos. 14590, 14608, 14324
14617, 14629 of 2021)

For R-1 to R-3 : Mr.P.Subbaraj,
Counsel for State.
(In W.P(MD).Nos. 14611, 14615, 14847,
14852 of 2021)

For R-3 : Mr.A.Baskaran
(In W.P(MD).Nos.14075, 14590, 14608,
14324 of 2021)

For R-3 : Mr.K.S.Selva Ganesan
(In W.P(MD).Nos.14617, 14629 of 2021)

WEB COPY

COMMON ORDER

In this batch of Writ Petitions, an auction-cum-tender notice dated 28.07.2021 is assailed.

2. The respective petitioner states that he participated in a public auction and was declared as the highest bidder in respect of a specific shop at the Thingal Nagar, Kamarajar Bus Stand. Pursuant thereto, the respective petitioner deposited the requisite deposit amount towards one (1) year' rent and the GST thereon. In these circumstances, the impugned auction-cum-tender notice was issued stating that the Panchayat Council did not approve the amount remitted by the respective successful bidder and, therefore, the respective petitioner was called upon to take back such amount. The respective petitioner was also informed that a fresh public auction would be held and that the respective petitioner could participate in such fresh public auction. In these circumstances, the respective petitioner assailed the order and approached this Court.

3. Upon perusal of the impugned order in the respective petition, it was noticed that the only reason stated in the impugned order was the lack of approval or recognition by the Council. Therefore, on the basis that cogent reasons were not cited to justify the purported cancellation of the bid in favour of the respective petitioner, an interim stay of the impugned auction-cum-tender was granted in these petitions.

4. At the hearing today, learned counsel for the State and for the Executive Officer of the Thingal Nagar Selection Grade Town Panchayat submit that the auction was conducted in respect of 65 shops in total. Out of the said 65 shops, in respect of 49 shops, the bid value was more than Rs.10,000/- (Rupees Ten Thousand only). Therefore, the said auctions were confirmed. As regards the 16 shops wherein the highest bid was less than Rs.10,000/- (Rupees Ten Thousand only), a re-auction was scheduled. Nonetheless, as regards ten (10) persons who approached this Court and obtained interim



orders, no re-auction took place. On the contrary, as regards the other remaining six (6) shops, re-auction was held and concluded successfully.

5. The principal question to be decided is whether the orders impugned in these Writ Petitions are sustainable. The settled legal position is that an order should speak for itself and stand or fall by the contents thereof. To put it differently, the said order cannot be supported by pleadings or statements made subsequently. When the impugned orders are examined by keeping the aforesaid in mind, it is evident that the only reason cited therein is that the amounts were not approved by the Panchayat Council. As such, the orders impugned in this batch of Writ Petitions are not sustainable. Consequently, these Writ Petitions are liable to be allowed.

6. Accordingly, W.P(MD)Nos.14075, 14590, 14617, 14629, 14608, 14611, 14615, 14324, 14847 and 14852 of 2021 are allowed by quashing the orders impugned therein. It is made clear that the respondents are at liberty to proceed to confirm the bids in respect of matters not covered by this order, except for the shops covered by the order passed in W.P.(MD).Nos.14419 and 15304 of 2021. Consequently, W.M.P(MD)Nos.11758, 11760, 11752, 11754, 11305, 11304, 11565, 11044, 11525, 11538, 11539, 11548, 11549, 11757, 11750, 11303, 11563, 11547, 13377, 11545, 11537, 11535 and 11524 of 2021 stand closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

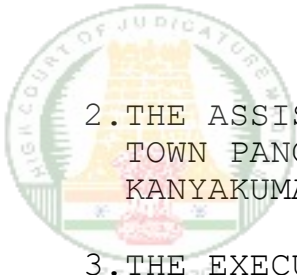
Sub Assistant Registrar(CS)

lm/nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.THE DISTRICT COLLECTOR
KANYAKUMARI DISTRICT,
KANYAKUMARI



2.THE ASSISTANT DIRECTOR OF
TOWN PANCHAYATHS, NAGERCOIL ZONE,
KANYAKUMARI DISTRICT.

3.THE EXECUTIVE OFFICER
THINGAL NAGAR SELECTION GRADE TOWN PANCHAYAT,
KANYAKUMARI DISTRICT.

4.THE SPECIAL OFFICER,
THINGAL NAGAR TOWN PANCHAYAT
AND ASSISTANT DIRECTOR OF TOWN PANCHAYATS,
NAGERCOIL ZONE - 629 001

5.THE SPECIAL OFFICER
THINGAL NAGAR SELECTION GRADE TOWN PANCHAYAT,
NAGERCOIL ZONE, -629 001.

6.THE SPECIAL OFFICER CUM ASSISTANT DIRECTOR,
THINGAL NAGAR SELECTION GRADE PANCHAYAT
CUM DIRECTORATE OF TOWN PANCHAYATS,
NAGERCOIL REGION,
KANYAKUMARI DISTRICT.

+1 CC to M/s.J.JOHN JAYAKUMAR, Advocate (SR-32664[F]
dated 26/10/2021)

+1cc to M/s.R.MURUGAN,Advocate, SR.No.32672 DATED:26.10.2021

+1cc to M/s.V.AYYAPPARAJA,Advocate, SR.No. 32627 DATED:26.10.2021

+1 CC to M/s.SPL.GP (SR-32563, 32861, 32867, 32871, 32873 TO 32876
AND 32814 TO 32818[F] dated 26/10/2021)

**W.P(MD)Nos.14075, 14590, 14617, 14629,
14608, 14611, 14615, 14324, 14847 and
14852 of 2021
25.10.2021**

SRK (CO)
GC/UV(02.11.2021) 7P 11C