



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

WEB COPY

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.9554 of 2022

M.Samuvel

...Petitioner

Vs

1.The Inspector of Panchayat cum,
District Collector,
Dharmapuri District.

2.The Commissioner,
Harur Panchayat Union,
Harur.

... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the 2nd respondent to handover the vacant site of the Kokkarapatti weekly market situated in Kokkarapatti Village, Pappireddipatty Taluk, Dharmapuri District which was auctioned by the 2nd respondent in Na.Ka.No.1713/2021/A2 dated 15.03.2022 and to fix the date of commencement of one year for 2022 - 2023 from the date on which the possession is handed over.

For Petitioner	: Mr.P.Paramasiva Doss
For R1	: Mr.U.Baranidharan Additional Government Pleader
For R2	: Mr.M.S.Arasakumar Government Advocate

ORDER

The petitioner has come out with the present Writ Petition for a direction to the 2nd respondent to handover the vacant site of the Kokkarapatti weekly market situated in Kokkarapatti Village, Pappireddipatty Taluk, Dharmapuri District, which was auctioned by the 2nd respondent in Na.Ka.No.1713/2021/A2 dated 15.03.2022 and to fix the date of commencement of one year for 2022 - 2023 from the date on which the possession is handed over.



WEB GATE

2. According to the petitioner the 2nd respondent invited tender for auctioning Kokkarapatty weekly market on a lease basis for one year for the period from 2022 - 2023. The petitioner participated in the tender conducted on 04.04.2022 and he was declared as a successful bidder as his bid of Rs.10,22,000/- was the highest bid. The petitioner has deposited all the amounts as per the conditions including GST by borrowing huge amount from his known sources. The 2nd respondent has not handed over the possession of weekly market to the petitioner in spite of repeated demands made by him in person. It is seen that there are some encroachments in the market. If the 2nd respondent allows the miscreants to occupy the market, it will affect the petitioner. Hence, the petitioner sent a representation dated 08.04.2022 to the respondents to execute the lease and hand over the possession to him. Since no order has been passed, the petitioner has come out with the present Writ Petition.

3. Mr. U. Baranidharan, learned Additional Government Pleader appearing for the 1st respondent and Mr. M. S. Arasakumar, learned Government Advocate appearing for the 2nd respondent submitted that as per Clause - 8 of the auction notification, a person can seek re-auction within a period of seven days of conclusion of auction by depositing 10% amount more than the highest bid. One N. Murugan, S/o. Natesa Gounder sought for re-auction and deposited a sum of Rs.11,24,200/-, which is more than 10% of the highest bid, in the Treasury on 06.04.2022. In view of the same, the 2nd respondent ordered re-auction and fixed the date for re-auction as 21.04.2022. The learned Additional Government Pleader further submitted that the petitioner was also informed about the re-auction.

4. The learned counsel appearing for the petitioner submitted that no communication was sent to the petitioner about the request of the said N. Murugan and the date of re-auction.

5. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the 1st respondent as well as learned Government Advocate appearing for the 2nd respondent and perused the materials available on record.

6. In view of the rival submissions, this Court by order dated 18.04.2022, instructed Mr. U. Baranidharan, learned Additional Government Pleader to inform the respondents not to conduct re-auction on 21.04.2022. Now the petitioner has been put on notice about the request of re-auction by said N. Murugan and the deposit of Rs.11,24,200/- as per Clause - 8 of the auction notification. Considering the above facts, the petitioner is not entitled for the relief sought for in the present Writ Petition. The 2nd respondent is directed to conduct re-auction after giving wide publicity and it is open to the petitioner to participate in



the re-auction. If the petitioner's bid is not highest and if he is not successful in obtaining license, the 2nd respondent is directed to refund all the amounts deposited by the petitioner within a period of one (1) week from the date of the re-auction. It is made clear that the 2nd respondent is directed to conduct re-auction after giving wide publicity.

7. With the above directions, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

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To:

1. The Inspector of Panchayat cum,
District Collector,
Dharmapuri District.

2. The Commissioner,
Harur Panchayat Union,
Harur.

+1cc to Government Pleader SR.No.29377

W.P.No.9554 of 2022

SSN(CO)
GMY(24/05/2022)