



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.11274 OF 2022

AND

W.M.P.NO.10837 OF 2022

E.Murugesan

.. Petitioner

Vs.

1. The District Collector,
(Development Section),
Salem District, Salem -1.
2. The Assistant Director of Rural
Development Department,
(Village Panchayats),
Office of the Collectorate,
Salem District, Salem - 1.
3. The Block Development Officer, (VP),
Tharamangalam Panchayat Union,
Tharamangalam Post,
Omalur Taluk,
Salem District - 636 502.
4. The Village Panchayat President,
Pappampadi Village Panchayat,
Taramangalam Panchayat Union,
Omalur Taluk,
Salem District - 636 306.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to forthwith consider and pass orders on the representation dated 24.04.2022 preferred by the petitioner seeking to accept a sum of Rs.4,50,000/- (Rupees Four Lakh and Fifty Thousand Only) from the petitioner and issue license of collection of toll fee at Pappampadi Village Panchayat Daily Market for the year 2022-2023 commencing from 01.04.2022 to 31.03.2023 to the petitioner.



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For Petitioner : Mr.T.Dharani
for Mr.K.Raja

For Respondents : Mr.C.Sathish
Government Advocate

O R D E R

The petitioner has come out with the present Writ Petition for a direction to the respondents to consider the representation of the petitioner dated 24.04.2022 for accepting a sum of Rs.4,50,000/- (Rupees Four Lakh and Fifty Thousand Only) from the petitioner and issue license of collection of toll fee at Pappampadi Village Panchayat Daily Market for the year 2022-2023 commencing from 01.04.2022 to 31.03.2023 to the petitioner.

2.By consent of both the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner contended that Pappampadi Village Panchayat called for tender-cum-auction for collection of toll in respect of daily market for the period from 01.04.2022 to 31.03.2023. The 3rd respondent fixed the upset price at Rs.10,55,780/- (Rupees Ten Lakh Fifty Five Thousand Seven Hundred and Eighty Only). Due to the same, there were no bidders for the past three auctions. The respondents 3 & 4 are collecting the toll to the tune of Rs.1,000/- (Rupees One Thousand Only) per day. In such circumstances, the petitioner submitted the tender form, quoting a sum of Rs.4,50,000/- (Rupees Four Lakh and Fifty Thousand Only) as bid amount to the 3rd respondent. The 3rd respondent informed the petitioner that bid amount mentioned must be more than Rs.10,55,780/- (Rupees Ten Lakh Fifty Five Thousand Seven Hundred and Eighty Only) and if any lesser amount is quoted, the same will be rejected. Contrary to the clauses mentioned in the tender notice dated 06.04.2022, the 3rd respondent on 20.04.2022 accepted the tender from one Thangaraju, in which the said Thangaraju has quoted only a sum of Rs.3,95,000/- (Rupees Three Lakh and Ninety Five Thousand Only). The 3rd respondent accepted the same and recommended to the 1st respondent to accept it. In such circumstances, the petitioner has given a representation dated 24.04.2022 to the respondents 1 to 3. Since, no order is passed on the said representation, the petitioner has come out with the present Writ Petition.



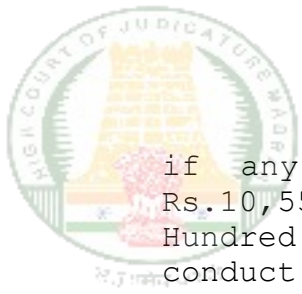
4.The learned Government Advocate appearing for the respondents submitted that upset price is fixed at Rs.10,55,780/- (Rupees Ten Lakh Fifty Five Thousand Seven Hundred and Eighty Only) and the petitioner has not participated in the public auction. Totally five members participated in the public auction. Out of five members, one Thangaraju has quoted a sum of Rs.3,95,000/- (Rupees Three Lakh and Ninety Five Thousand Only). Since no one has quoted the bid amount more than Rs.10,55,780/- (Rupees Ten Lakh Fifty Five Thousand Seven Hundred and Eighty Only), the offer given by the said Thangaraju was forwarded to the 1st respondent for his opinion and no tender was confirmed in favour of the said Thangaraju and prayed for dismissal of the Writ Petition.

5.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the entire materials on record.

6.From the above materials, it is seen that the 3rd respondent fixed the upset price at Rs.10,55,780/- (Rupees Ten Lakh Fifty Five Thousand Seven Hundred and Eighty Only). According to the petitioner, for the past three auctions, there were no bidders and now the bid of Rs.3,95,000/- (Rupees Three Lakh and Ninety Five Thousand Only) quoted by one Thangaraju was recommended to the 1st respondent by the 3rd respondent. The learned counsel appearing for the petitioner submitted that the petitioner is ready to pay a sum of Rs.4,50,000/- (Rupees Four Lakh and Fifty Thousand Only) and in the affidavit, the petitioner has stated that he is ready to pay a sum of Rs.4,50,000/- (Rupees Four Lakh and Fifty Thousand Only) as bid amount and has given a representation dated 24.04.2022 to the respondents 1 to 3.

7.The submission of the learned counsel appearing for the petitioner is that without considering the representation of the petitioner, the offer given by the said Thangaraju for a sum of Rs.3,95,000/- (Rupees Three Lakh and Ninety Five Thousand Only) is forwarded to the District Collector, the 1st respondent herein.

8.Considering the fact that the 3rd respondent has recommended to accept the bid of one Thangaraju, for the bid amount of Rs.3,95,000/- (Rupees Three Lakh and Ninety Five Thousand Only) and the contention of the learned counsel appearing for the petitioner that the petitioner is ready to deposit a sum of Rs.4,50,000/- (Rupees Four Lakh and Fifty Thousand Only), the 1st respondent is directed to conduct enquiry and consider the representation of the petitioner dated 24.04.2022 and pass orders on merits and in accordance with law,



if any tender is accepted less than the upset price of Rs.10,55,780/- (Rupees Ten Lakh Fifty Five Thousand Seven Hundred and Eighty Only). It is open to the 3rd respondent to conduct a fresh auction, if necessary for reducing the upset price.

9. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
(Development Section),
Salem District, Salem -1.
2. The Assistant Director of Rural
Development Department,
(Village Panchayats),
Office of the Collectorate,
Salem District, Salem - 1.
3. The Block Development Officer, (VP),
Tharamangalam Panchayat Union,
Tharamangalam Post,
Omalur Taluk,
Salem District - 636 502.
4. The Village Panchayat President,
Pappampadi Village Panchayat,
Taramangalam Panchayat Union,
Omalur Taluk,
Salem District - 636 306.

+1cc to M/s.K.Raja, Advocate, S.R.No.30254
+1cc to the Government Pleader, S.R.No.30921

W.P.No.11274 of 2022

NRL(CO)
RLP(16/05/2022)