

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.12646 OF 2022

AND

W.M.P.NOS.12094, 12096 & 12097 OF 2022

A.Nagarajan

... Petitioner

.Vs.

1. The District Collector,
Ariyalur District,
Ariyalur.

2. The Commissioner-cum-The Block Development Officer,
Andimadam Panchayat Union,
Andimadam, Ariyalur District.

3. The Chairman,
Andimadam Panchayat Union,
Andimadam, Ariyalur District.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent with respect to the tender notification published in " DHINA THANTHi" Daily dated 07.05.2022 for Andimadam Weekly Market bearing Ve.AA.No.29/ Se.Ma.Tho.A.Ariyalur dated 06.05.2022 and quash the same as illegal and unlawful and consequently direct the 2nd respondent to permit the petitioner to continue to collect levy in the weekly market at Andimadam, Andimadam Taluk, Ariyalur District for the extended period of 26 weeks as per the Panchayat Union Resolution datd 22.04.2022.

For Petitioner : Mr.P.Vasanth

For R1 : Mr.S.John J.Raja Singh
Additional Government Pleader

For R2 : Mr.D.RaviChander
Special Government Pleader

ORDER

The petitioner has challenged the impugned tender auction notice dated 6.5.2022 issued by the third respondent.

2. It is the case of the petitioner that the petitioner has participated in the auction conducted for the collection of fees in weekly Tuesday Market in the Village namely, Andimadam , Andimadam Taluk, Ariyalur District under the administration of the second respondent for the period from 01.04.2021 to 31.03.2022 and that the petitioner was declared as a successful bidder and paid a sum of Rs.2,92,400/- and that the petitioner was granted license for the period commencing from 01.04.2021 to 31.03.2022 to collect fee for the Weekly Tuesday Market at Andimadam by the second respondent in his proceedings dated 26.02.2021.

3. It is the specific case of the petitioner that after getting the tender for collecting levy in Weekly Market, the market did not function during April 1st week of owing to elections April 2021 and thereafter the market was operated for three weeks due to Covid-19, as the Government announced lockdown. It is the specific case of the petitioner that the petitioner suffered huge loss and therefore the petitioner has sent a representation dated 22.03.2022 and requested the second respondent Commissioner cum the Block Development Officer to extend the license for a period of 26 weeks during which the market did not function owing to lockdown announced by the Government.

4. It is submitted that the Panchayat Union had passed Resolution dated 22.04.2022 and agreed to regularize and extend the period of 26 weeks to collect the fees from Weekly Market. It is further submitted that the second respondent had also issued with the copy of the Resolution dated 22.04.2022 on 26.04.2022 and informed that the petitioner to collect market fees for extending period by 26 weeks in terms of the Resolution dated 22.04.2022. It is therefore submitted that the impugned auction dated 06.05.2022 was without authority of law.

5. Appearing on behalf of the respondents, the learned Additional Government Pleader for the respondents would submit that the auction was cancelled subsequently vide communication dated 07.05.2022 of the second respondent and therefore the writ petition is without any merits.

6. I have considered the arguments advanced by the learned Additional Government Pleader for the respondents and I have also perused the affidavit and documents filed in support of the case.

7. The petitioner has himself enclosed a copy of the communication dated 07.05.2022 cancelling the auction that was held on 09.05.2022.

8. Considering the fact that the auction that was proposed to be held on 09.05.2022 at 11.00 a.m., has been cancelled by the second respondent on 07.05.2022, nothing survives for further adjudication at this stage. However, it is made clear that if the respondent propose to re-auction before the expiry of 26 weeks, the petitioner may be intimated before, in person. There is no merits in the present writ petition and therefore, the writ petition is liable to be dismissed.

9. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The District Collector,
Ariyalur District,
Ariyalur.
2. The Commissioner-cum-The Block Development Officer,
Andimadam Panchayat Union,
Andimadam, Ariyalur District.
3. The Chairman,
Andimadam Panchayat Union,
Andimadam, Ariyalur District.

+1cc to the Government Pleader, S.R.No.37631

W.P.NO.12646 OF 2022

SKM(CO)
PBS/12/07/2022