



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.28165 of 2021
and W.M.P.No.29774 of 2021

O.L.Kannan

... Petitioner

-Vs-

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

2.The Assistant Director
Panchayats,
Office of District Collector,
Dharmapuri.

3.The Commissioner/Block Development Officer,
Eriyur Panchyat Union,
Eriyur - 636 810,
Dharmapuri District.

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to conduct public auction for granting license to operate boat services at Ottanur-Kottaiyur, Pennagaram Taluk, Dharmapuri District as per the letter of the 3rd respondent dated 10.12.2021 forthwith.

For Petitioner : Mr.Jyothimanian
for Mr.S.Manikandan

For Respondents : Mr.V.Manoharan
Additional Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to conduct public auction for granting license to operate boat services at Ottanur-Kottaiyur, Pennagaram Taluk, Dharmapuri District as per the letter of the 3rd respondent dated 10.12.2021 forthwith.



2. In respect of the boat services between Ottanur and Kottaiyur, originally the petitioner was the lessee or the contractor in the earlier period. Thereafter, through public auction a third party right was created for a period of one year which expires on 14.01.2022.

3. Therefore, before the period gets expired, the respondents shall go for a public auction, then only people like the petitioner can participate and the successful bidder can be given the license or lease for the further period of one year to run the boat services.

4. In this context, since there was no likelihood of going for any fresh tender for the next one year commencing from 14.01.2022 the petitioner though has made a representation and a letter was issued in this regard on 10.12.2021 by the third respondent, i.e. Commissioner, Block Development Officer and since no positive move has come from the respondents to go for a fresh tender for creating a right of boat services to the successful bidder for the next one year commencing from 15.01.2022, therefore seeking a Mandamus to go for a fresh tender, the present writ petition has been filed.

5. Reiterating the aforesaid, the learned counsel for the petitioner seeks indulgence of this Court to issue a suitable direction to the respondents to commence a fresh tender to create a third party right in favour of the successful tenderer with effect from 15.01.2022.

6. On notice, Mr. V. Manoharan, learned Additional Government Pleader who appears for the respondents, on instructions, would submit that, though the present tender period expires on 14.01.2022, due to Covid 19 third wave situation, immediately the public tender could not be issued. Therefore, the lease period is extended to the present incumbent for a further period of one month or 30 days from 15.01.2022 and within the said 30 days extended time, certainly the respondents would take all efforts to issue a notice for fresh tender and in that case, all eligible persons including the petitioner can participate and ultimately, the successful bidder would be confirmed for the boat service lease for the next one year period.

7. I have considered the said submission made by the learned counsel appearing on both sides, especially the submission made by the learned Additional Government Pleader appearing for the respondents and the said submission made on behalf of the respondents by the learned Additional Government Pleader is taken on record.



8. In view of the above, this Court is inclined to dispose of this writ petition with the following order. That the respondents are hereby directed to go ahead with the fresh tender before the expiry of the extended period of one month for the present incumbent and accordingly, after completing the fresh tender process, the lease for boat services for the next one year period can be confirmed on the successful tenderer. It is made clear that under any circumstances no further extension of lease to the present incumbent beyond the said one month period which is now given from 15.01.2022 shall be given. The extended period since would expire on 15.02.2022, before which, the aforesaid fresh tender process shall be commenced and completed.

9. With these observations and directions by taking into record the said submission made by the learned Additional Government Pleader appearing on behalf of the respondents, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Assistant Director
Panchayats,
Office of District Collector,
Dharmapuri.

3. The Commissioner/Block Development Officer,
Eriyur Panchayat Union,
Eriyur - 636 810,
Dharmapuri District.

+1cc to Mr. M. R. Jothimani, Advocate, S.R.No.2847

+1cc to the Government Pleader, S.R.No.3055

W.P.No.28165 of 2021

UM(CO)
SB(31/01/2022)