



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.3695 of 2021

and

W.M.P(MD)Nos.2963, 2964 and 2966 of 2021

P.Paulraj

...Petitioner

Vs.

- 1.The Secretary,
Rural Development Panchayat Raj Department,
Secretariat, Chennai.
- 2.The District Collector,
Dindigul District, Dindigul.
- 3.The Superintendent of Police,
Dindigul District, Dindigul.
- 4.The Assistant Director of Panchayat,
Collectorate Campus,
Dindigul.
- 5.The Executive Officer,
Nilakottai Selection Grade Town Panchayat,
Nilakottai, Dindigul District.
- 6.A.Kalaiarasi,
The Executive Officer,
Chinnalapatti Selection Grade Town Panchayat,
Chinnalapatti, Dindigul District.
- 7.P.K.S.Sikkandar Ali,
President,
Weekly Market Small Traders Welfare Association,
7/02/11, Keela Sekkadi Street,
Nilakottai, Dindigul District.
...Respondents

Prayer : Writ Petition 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 impugned order of the fifth respondent in Na.Ka.No.612/2020/A2, dated 30.01.2021 and quash the

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same as illegal and consequently direct the fifth respondent to restore the order passed in Na.Ka.No.612/2020/A2, dated 04.01.2021, issued to the petitioner for the Weekly Market.

For Petitioner : Mr.R.R.Kannan

For R1 to R5 : Mr.S.Shanmugavel
Additional Government Pleader

For R6 : Mr.G.Prabhu Rajadurai

For R7 : Mr.Cibi Chakaraborthy

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking to call for the records of an order of the fifth respondent/the Executive Officer, Nilakottai Selection Grade Town Panchayat, Nilakottai at Dindigul District, dated 30.01.2021 and to set aside the same and direct the said fifth respondent to restore an earlier order, dated 04.01.2021, issued to the petitioner.

2.The petitioner appears to have more grievances focused against the seventh respondent rather than against the fifth respondent herein.

3.The petitioner was declared as a successful bidder by the fifth respondent in a public auction held on 24.12.2020, having quoted a sum of Rs.22,25,000/- as the bid amount for collecting entry fees in the weekly market at Nilakottai in Dindigul District. The petitioner claims that he has been subsequently discharging such duty and enjoying the privileges granted to collect the entry fees in the weekly market. However, the seventh respondent appears to have formed an association and the petitioner claims that such association has been formed with a sole objective to threaten the successful bidders like the petitioner herein. That is a issue, in which this Court never enter into a discussion. However, when the matter came up on the previous hearing date, a direction had been given, that the parties particularly, the petitioner and the seventh respondent should appear before the fifth respondent/the Executive Officer.

4.I am informed by Mr.S.Shanmugavel, learned Additional Government Pleader that the petitioner and the seventh respondent actually appeared before the said official on 24.12.2021 and had given necessary statements undertaking to maintain peace in the said area. The said statements have been recorded and the Court places appreciation to the petitioner and the seventh respondent, for having realized that sense of duty is more to be focused on maintaining harmony rather than in settling private disputes in



5.Be that as it may, the entire issue now can be concluded very simply, owing to the fact that the period of the lease of the petitioner expired on 03.01.2022. As on dated/05.01.2022, the petitioner has no existing right according to the terms of the tender. There is an extension period which can be claimed by the petitioner, if he gives a representation three months prior to the conclusion period. Then, again the fifth respondent will have to get necessary resolutions passed in manner known to law.

6.If they deem it fit and if they deem it appropriate and if they deem it proper, they can consider the representation of the petitioner herein. The issue therefore, now lies on the hands of the fifth respondent either to go through the procedure by granting extension of time to the petitioner or take any other decision. They are permitted to revisit the conditions of auction and it appears that Clause No.30 of the tender conditions is an eyesore both to the petitioner and also the seventh respondent herein. Mr.Cibi Chakaraborthy, learned Counsel for the seventh respondent invited the attention of the Court the said Clause No.30. I would refrain from entering into a discussion on the same, because the onus is primarily on the fifth respondent to apply their mind, since they are in the control of the market with respect to the terms and conditions under which they would offer for auction the collection rights for the said weekly market.

7.Therefore, liberty is given to the fifth respondent to revisit and re-examine any of the condition particularly Clause No.30.

8.Either way the role of the Court, in view of the fact that the term of the petitioner had expired on 03.01.2022, is very narrow and no relief can be granted. The entire issue rests only with the fifth respondent.

9.With the above observation, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

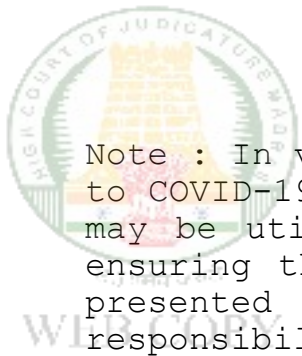
Assistant Registrar (CS II)

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/ /2022

Sub Assistant Registrar(CS)

lr



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 Secretary,
Rural Development Panchayat Raj Department,
Secretariat, Chennai.
- 2.The District Collector,
Dindigul District, Dindigul.
- 3.The Superintendent of Police,
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- 6.The Executive Officer,
Chinnalapatti Selection Grade Town Panchayat,
Chinnalapatti, Dindigul District.

+1 CC to M/s.R.R.KANNAN, Advocate (SR-422[F] dated 05/01/2022)

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-534[F] dated 06/01/2022)

+1 CC to M/s.SPL.GP (SR-555[F] dated 06/01/2022)

W.P(MD) .No.3695 of 2021
05.01.2022

MGJ(25.01.2022) 4P 10C