



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4151 of 2022

and

W.M.P.[MD]No.3565 of 2022

Sundaram

... Petitioner

/Vs./

1.State Rep. by

The Additional Chief Secretary to Municipal Administration,
Secretariat, St. George Fort, Chennai-600 009.

2.The Commissioner,

Commissionerate of Town Panchayat,
Raja Annamalaipuram, Chennai-600 028.

3.The District Collector,

Kanyakumari District, Nagercoil-629 001.

4.The Assistant Director of Town Panchayat,

Kanyakumari District, Nagercoil-629 001.

5.The Executive Officer,

Kaliyakkavilai Town Panchayat,
Padanthalumoodu Post-629 163,
Kanyakumari District.

6.T.C.Satheesh Kumar

7.Rejini Ganth

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to conduct enquiry and take action for irregularities committed by the 5th respondent during tender cum auction proceedings and thereby direct the 2nd respondent to take necessary action on the basis of letter No.14547 / Peru /2(1)/2021-I dated 20.09.2021 forwarded by the 1st respondent.

For Petitioner: Mr.S.Muniyandi

For R1 to R4 : Mr.M.Lingadurai,

Special Government Pleader

For R5

: Mr.J.K.Jeyaseelan,

Government Advocate.



ORDER

This writ petition has been filed for a Mandamus, to direct the 2nd and 3rd respondents to conduct enquiry and take action for the alleged irregularities committed by the 5th respondent during tender cum auction proceedings and thereby direct the 2nd respondent to take necessary action on the basis of letter No.14547 / Peru /2(1)/2021-I dated 20.09.2021 forwarded by the 1st respondent, within a time frame to be fixed by this Court.

2. According to the petitioner, the erstwhile Executive Officer, Kaliyakkavilai Town Panchayat, Kanyakumari District committed irregularities in the auction conducted on 20.03.2020. In such circumstances, he earlier filed a writ petition in WP(MD)No.15719 of 2021 for a Mandamus, seeking for a direction from this Court to take action against the erstwhile Executive Officer, Kaliyakkavilai Town Panchayat, Kanyakumari District and sixth and seventh respondents for the alleged irregularities committed by him in awarding the contract to the sixth and seventh respondents.

3. The writ petition in WP(MD)No.15719 of 2021 was dismissed by order dated 03.09.2021, on the ground that the allegations made by the petitioner against the erstwhile Executive Officer, Kaliyakkavilai Town Panchayat, Kanyakumari District was general in nature and were not substantiated. Thereafter, under the Right to Information Act, 2005, the petitioner has obtained certain documents to satisfy his claim that irregularities were committed by the erstwhile Executive Officer, Kaliyakkavilai Town Panchayat, Kanyakumari District, in the auction conducted in March, 2020.

4. The petitioner has, once again given a fresh representation requesting the present fifth respondent to take action against the erstwhile Executive Officer, who awarded the contract and also take action against the sixth and seventh respondents, who were awarded the contract. The representation was taken on file by the first respondent and forwarded to the second respondent to take necessary action, by a communication dated 20.09.2021. Since no final orders have been passed till date, the petitioner has filed this writ petition.

5. Heard Mr.S.Muniyandi, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.J.K.Jeyaseelan, learned Government Advocate, who accepts notice on behalf of the fifth respondent.

6. The petitioner has filed documents before this Court in order to substantiate his claim that the erstwhile the Executive Officer has committed irregularities while conducting the auction in March, 2020, under which, the contract was awarded to the sixth and seventh



respondents. Whether the said documents establishes the claim of the petitioner or not will have to be considered by the second respondent, in the final orders to be passed, pursuant to the directions given by this Court today.

7.The petitioner seeks action for the irregularities committed in the tender conducted in March, 2020. The first respondent has already taken the representation given by the petitioner on file and forwarded the same, to the second respondent for necessary action, by the communication dated 20.09.2021.

8.No prejudice will be caused to the official respondents, if final orders are passed on the petitioner's representation, after affording a fair hearing to the petitioner, the erstwhile Executive Officer, Kaliyakkavilai Town Panchayat, Kanyakumari District, who conducted auction in March, 2020 and sixth and seventh respondents.

9.Accordingly, this Court directs the second respondent to pass final orders on the petitioner's representation seeking for the conduct of necessary legal action against the Executive Officer, Kaliyakkavilai Town Panchayat, Kanyakumari District, who conducted the auction in March, 2020 and the sixth and seventh respondents for the alleged irregularities committed by them, after affording a fair hearing to the petitioner, the erstwhile Executive Officer, Kaliyakkavilai Town Panchayat, Kanyakumari District, who conducted auction in March, 2020, and sixth and seventh respondents, within a period of three (3) months from the date of receipt of a copy of this ordre.

10.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Additional Chief Secretary to Municipal Administration,
Secretariat, St. George Fort, Chennai-600 009.

2.The Commissioner,
Commissionerate of Town Panchayat,
Raja Annamalaipuram, Chennai-600 028.



3.The District Collector,
Kanyakumari District, Nagercoil-629 001.

4.The Assistant Director of Town Panchayat,
Kanyakumari District, Nagercoil-629 001.

5.The Executive Officer,
Kaliyakkavilai Town Panchayat,
Padanthalumoodu Post-629 163,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-11501[F] dated 11/03/2022)

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-10766[F] dated 09/03/2022)

order made in
W.P. [MD]No.4151 of 2022
Dated:**09.03.2022**

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na (CO)
TR(28.03.2022) 4P 8C