



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6134 of 2022

and W.M.P. (MD) .Nos.4759 & 4760 of 2022

WEB COPY

S.Alagarsamy

.. Petitioner

Vs

1.The General Manager,
Thoothukudi District Co-operative Milk
Producers Union Ltd.,
74, Bala Vinayakar Kovil Street, 2nd Floor,
Thoothukudi.

2.The Deputy Registrar,
Dairing,
Behind the Amma Park,
Vagaikulam,
Thoothukudi.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings, dated 21.03.2022, passed by the 1st respondent made in Na.Ka.No.5761/Sales/2021 and quash the same as illegal and consequentially to direct the 1st respondent to open the tenders in pursuance of the proceedings dated 03.12.2021, made in Na.Ka.No.5761/Sales/2021, within the period that may be stipulated by this Court.

For Petitioner	: Mr.B.Senthil Kumar
For Respondents	: Mr.P.Thilak Kumar
	Government Pleader

ORDER

This writ petition has been filed challenging the impugned auction notification, dated 21.03.2022, issued by the respondents on the ground that without rejecting the petitioner's bid under the earlier auction and without intimating the petitioner about the outcome of the earlier auction, the impugned auction notification has been issued.

2.According to the petitioner, the act of the respondents in issuing fresh auction notification without intimating the outcome of the earlier auction is per se arbitrary and illegal. It is also the contention of the petitioner that the EMD amount of Rs.20,000/- paid by the petitioner for participating in the earlier auction,



has not been refunded till date. Only in the aforementioned circumstances, this writ petition has been filed.

3. Heard Mr.B.Senthil Kumar, learned counsel appearing for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents.

4. On instructions, the learned Government Advocate appearing for the respondents would now submit that the petitioner was the only bidder in the earlier auction and that is the reason for the issuance of the impugned auction notification, calling for a fresh auction. He would also submit on instructions that the respondents are willing to refund the sum of Rs.20,000/- paid by the petitioner under the earlier auction, provided the petitioner makes a written representation to the respondents. The said statement is recorded.

5. The learned counsel appearing for the petitioner, after receiving instructions from his client, would now submit that the petitioner is willing to participate in the impugned auction provided the same is held in a transparent manner and by following statutory provisions. Undoubtedly, the respondents will have to follow the statutory provisions and any auction should be conducted in a transparent manner.

6. Since the petitioner is ready and willing to participate in the impugned auction, this writ petition is disposed of by issuing the following directions.

a) The petitioner is allowed to participate in the impugned auction and the respondents shall conduct the said auction in a transparent manner and by adhering to all the statutory provisions.

b) The petitioner shall submit a written representation to the respondents requesting for refund of the sum of Rs.20,000/- paid by him in respect of the earlier auction, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondents shall refund the sum of Rs.20,000/- to the petitioner, within a period of three days from the date of receipt of the written representation referred to supra.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



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 General Manager,
Thoothukudi District Co-operative Milk
Producers Union Ltd.,
74, Bala Vinayakar Kovil Street, 2nd Floor,
Thoothukudi.

2.The Deputy Registrar,
Dairing,
Behind the Amma Park,
Vagaikulam,
Thoothukudi.

+1 CC to M/s.SPL.GP (SR-16747[F] dated 05/04/2022)

W.P. (MD)No.6134 of 2022
04.04.2022

PA(13.04.2022) 3P 4C