



W.P(MD)No.13234 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13234 of 2022

and

W.M.P.(MD)No.9396 of 2022

1.K.Palveeranan

2.S.Thangapandi

3.S.Prakash

4.J.Asirvatham

... Petitioners

Vs.

1.The District Collector,
Office of District Collector,
Madurai.

2.The Assistant Director of Panchayat,
Office of Assistant Director of Panchayat,
Madurai.

3.The Commissioner/Block Development Officer,
Usilampatti Union,
Usilampatti,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent to



W.P(MD)No.13234 of 2022

confirm the shops of the tender to the petitioners as the 2nd highest bidders by the auction conducted on 03.06.2022.

For Petitioners : Mr.S.Ramsundarvijayaraj

For Respondents : Mr.Veerakathiravan,
Additional Advocate General,
Assisted by K.Balasubramani,
Spl. Government Pleader for R1 & R2.

Mr.D.Gandhiraj,
Special Government Pleader for R3.

ORDER

This writ petition has been filed for directing the third respondent to finalise the tender process and award the licenses to the second highest bidders.

2.The auction in question was held on 03.06.2022. When the matter was taken up for hearing on 27.06.2022, the learned counsel for the petitioners stated that the so-called highest bidders are not serious players and that therefore, if licenses are issued to the highest bidders, then the cat will be out of the bag. When such a submission was made, the learned Special Government Pleader for the third respondent stated that licenses would be issued to the highest bidders and that proceedings will be issued shortly to that effect.



W.P(MD)No.13234 of 2022

3. When the matter was taken today ie., 04.07.2022, the learned Additional Advocate General submitted that on 28.06.2022, proceedings were issued to the effect that since the highest bidders have not acted in terms of the tender notification, the licenses issued in their favour not only stood cancelled but also the EMD deposited by them stood forfeited. It was further directed that the highest bidders stood disqualified from taking part in any future auctions to be conducted by the local body. Copies of the proceedings have also been produced before me. The third respondent is directed to communicate the same forthwith, if not already communicated. It is also directed that the aforesaid proceedings dated 28.06.2022 will be given effect to in letter and spirit. It is of course open to the third respondent either to confirm the bids in favour of the second highest bidders or to go for a fresh auction. That is left entirely to the discretion of the local body.

4. With this direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.13234 of 2022

G.R.SWAMINATHAN, J.

ias

To:

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- 2.The Assistant Director of Panchayat,
Office of Assistant Director of Panchayat,
Madurai.
- 3.The Commissioner/Block Development Officer,
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W.P(MD)No.13234 of 2022

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