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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26747 of 2022
and
W.M.P.(MD)Nos.20954, 20955 and 20958 of 2022

R.Manoharan .. Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Virudhunagar District.

2.The Assistant Director of Fisheries,
Office of the Assistant Director of Fisheries,
114 B, 27/1, Velusamy Nagar,
Virudhunagar.

3.Siva Sakthi Perumal .. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records connected with the impugned notice in Ve.Aa.No.266/Se.Ma.tho.A/Virudhunagar/2022, dated 15.07.2022 on the file of the second respondent published on Dhinasuriyan Newspaper on 19.07.2022 and quash the same as illegal, consequently direct the respondents to issue fresh tender cum auction notice for fishing rights with respect to Valaikulam Kanmoi, Srivilliputhur in accordance with law within the time stipulated by this Court.

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For Petitioner : Mr.R.Alagumani

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For R1 & R2 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorari, to quash the impugned notice in Ve.Aa.No.266/Se.Ma.tho.A/Virudhunagar/2022, dated 15.07.2022, on the file of the second respondent published on Dhinasuriyan Newspaper, on 19.07.2022 as illegal, consequently to direct the respondents to issue fresh tender cum auction notice for fishing rights with respect to Valaikulam Kanmoi, Srivilliputhur in accordance with law within the time stipulated by this Court.

2.Heard Mr.R.Alagumani, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1 and 2. Considering the nature of order proposed to be passed in this writ petition, notice to the third respondent is dispensed with. By consent of both parties, this writ petition is taken up for final disposal.

3. The case of the petitioner is that the Kanmoi namely Vilathikulam Kanmoi was auctioned by the Public Works Department, in which the petitioner also participated. The successful bidder in the said auction has not remitted the amount within the prescribed time. Therefore, the second successful bidder has to be selected as successful bidder, normally. Instead,

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the authorities concerned cancelled the tender and issued fresh tender notification on 15.07.2022. The same was published in a News paper on 19.07.2022 stating that the auction is going to be conducted on 29.07.2022 contrary to the rules prescribed in the Tamil Nadu Transparency in Tenders Rules, 2000, which requires 15 days interregnum period, from the date of publishing the notification to the date of auction, to conduct auction. He further submitted that the bid amount in the earlier tender was fixed at Rs.35,01,000/- but in the second tender, the bid amount is fixed only at Rs.2,40,000/-. Hence, the petitioner has filed the present writ petition.

4. The learned Special Government Pleader appearing for the official respondents submitted that the earlier tender was cancelled and re-tender notification was issued only for the reason that the successful bidder has not remitted the amount within the prescribed time. With regard to the amount difference, the learned Special Government Pleader, on instructions, submitted that in first auction, the successful bidder has to pay the bid amount totally for five years and in this re-tender, the successful bidder has to pay the bid amount every year along with 10% of the original bid amount. Further, the re-tender was completed and confirmation order has also been given to the third respondent being the successful bidder.

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5. In view of the above said clarification and considering the fact that the tender has been completed and confirmation order has also been given to the successful bidder, no further order can be passed in this writ petition. Accordingly, this writ petition is closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.11.2022

Index : Yes/No
Internet : Yes/No
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To

1.The District Collector,
Office of the District Collector,
Virudhunagar District.

2.The Assistant Director of Fisheries,
Office of the Assistant Director of Fisheries,
114 B, 27/1, Velusamy Nagar,
Virudhunagar.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.26747 of 2022

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