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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.15821 of 2023
and W.M.P. No.15271 of 2023

D.Alamuthu

Petitioner

vs.

1.The Assistant Director of Panchayat Union,
Thalaivasal Panchayat Union,
Salem District.

2.The Block Development Officer,
Thalaivasal Union,
Salem District.

3.The President,
Thalaivasal Panchayat,
Salem District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 15.5.2023, by accepting the amount as per Tender conditions confirming the Auction held on 11.5.2023 for weekly market (Tuesday) veigible Market, Salem District by permitting the petitioner to run the weekly market from 11.5.2023 to 31.3.2024 peacefully in a fair manner to



For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.C.Selvaraj
Additional Government Pleader
for R1

Mr.N.Naveen Kumar
Government Advocate for R2 & R3

ORDER

The writ petition was filed by the petitioner who claims to be the successful bidder in the auction that was called for by the 3rd respondent seeking for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner and to accept the auction amount tendered by the petitioner and permit the petitioner to collect the fees from the weekly market for the period from 16.05.2023 to 31.03.2024.

2.When the matter came up for admission on 18.05.2023, this Court passed the following order:

It is stated by the learned counsel for the petitioner that the petitioner participated in the weekly market auction and was the successful bidder by quoting a sum of Rs.45,05,000/- and to prove bona fide, had also purchased demand draft for 50% of the said amount.



2. Let a counter be filed by the respondents giving reasons for not accepting the bid by the petitioner therein.

3. List the matter on 02.06.2023. The bona fide of the petitioner in tendering 50% of the said bid amount is recorded by the Court.

3.The learned Government Advocate appearing on behalf of the 2nd and 3rd respondents submitted that there was a serious rivalry as among the persons, who participated in the auction and the bid amount was artificially increased exorbitantly. In view of the same, considering the interest of the farmers who will be using the weekly market, it was decided to cancel the present auction and notification and to call for fresh auction.

4.In the considered view of this Court, the period for collection of the fees in the weekly market has been fixed from 16.05.2023 to 31.03.2024. It is already 2nd of June 2023 and the auction has to be conducted immediately to ensure that the panchayat earns the revenue out of the auction. Since the earlier auction notification has been terminated, no useful purpose will be served in directing the representation made by the petitioner to be considered. It will be more appropriate if a direction is issued to the 3rd respondent to issue a fresh



tender notification and complete the process within a time frame fixed by this Court. It goes without saying that the petitioner will also be entitled to participate in the auction by submitting his bid.

5. In the light of the above discussion, this writ petition is disposed of with a direction to the 3rd respondent to immediately take steps to issue a fresh auction notification by calling for the bids and this process shall be completed on or before 23.06.2023. No Costs. Consequently, connected miscellaneous petition is closed.

02.06.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

ssr

Note: Issue Order Copy on 06.06.2023

To

1. The Assistant Director of Panchayat Union,
Thalaivasal Panchayat Union,
Salem District.

2. The Block Development Officer,
Thalaivasal Union,
Salem District.



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3. The President,
Thalaivasal Panchayat,
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N. ANAND VENKATESH, J.

SSR

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