



WP.No.25816 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.01.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

WP.No.25816 of 2014

and

M.P.Nos.1 and 2 of 2014

K.Ramasamy

... Petitioner

Vs

1.The District Forest Officer,
The District Forest Office,
Villupuram.

2.The Tahsildar,
Taluk Office, Panrutti,
Cuddalore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st respondent pertaining to the proceedings in Na.Ka.No.2301/2013/Ku(14) dated 04.07.2014 and proceedings in Na.Ka.No.2301/2013/Ku(14) dated 31.07.2014 and quash the same.

For Petitioner : Mr.G.Arul Murugan

For Respondents : Mr.Veda Bagath Singh
Special Government Pleader



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ORDER

The petitioner is a resident of Panrutti Taluk, Cuddalore District. He challenges orders dated 04.07.2014 and 31.07.2014 that have been passed by the District Forest Officer/DFO/R1 in Villupuram mulcting him with a demand of a sum of Rs.41,24,662/- and referring the matter to the Tahsildar/R2 to enforce in terms of the Revenue Recovery Act, 1890.

2.R1 had issued a notification on 25.10.2013 calling for tenders in respect of various areas for auction of trees. The auction was commenced on 19.11.2013 and continued on 12.12.2013. An area admeasuring 68.50 hectares in 1980 Swarnavoor Village was brought for auction. The petitioner participated and made a bid for a sum of Rs.40,11,360/-. He was successful, but no formal order was passed either on that date or thereafter confirming that the petitioner is successful and that he had been awarded the bid.

3.The tender conditions specifically stipulate that the petitioner is to remit a demand draft for a sum of Rs.1,00,000/- in respect of bids that are in excess of a sum of Rs.1,00,000/-, as in the present case. The conditions also require the petitioner to have made payment 1/3rd of the bid amount on the date of auction itself. These conditions have also not been complied with or enforced. Moreover, upon receipt of confirmation of auction, which itself has not been done by the respondents in this case, the petitioner is



to remit the balance consideration which has also admittedly, not been done.

4. In all it appears clear and unambiguous that the only part played by the petitioner in the entire drama, is to have participated in the auction remitting Rs.1,000/- for purchase of the applicable form. The complete inaction on the part of R1 to have either confirmed the award of tender or to have pursued the receipt of 1/3rd of the amount as on date of auction as the tender rules require, indicates to me the irregularity in procedure adopted by R1.

5. That apart, the State was directed to ascertain whether there have been any attempts to auction the property thereafter and learned Government Advocate would submit that there was one attempt made during the period 2016-17 vide Gazette No.15 of Villupuram District dated 17.10.2016. However, the auction was unsuccessful and was hence abandoned.

6. Thus between the period 2014 till date, there have been no measures, taken by the respondents to auction the trees, barring the one, and both learned counsel before me would confirm that the trees in the area in question, are in 'as is where is' condition as on date.

7. That apart, the petitioner has also produced hospital discharge summaries dated 03.03.2014 and 19.05.2014 to establish that he was unwell during the periods in question and hospitalized.



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8. In light of the discussion as above, I see absolutely no justification in the impugned orders having been passed. The first respondent has gravely erred in mulcting the entire bid amount upon the petitioner seeing as neither the petitioner nor the respondents have taken any steps to secure the bid as per the terms of the auction.

9. This writ petition is allowed and the impugned orders are set aside. No costs. Connected miscellaneous petitions are closed.

05.01.2023

vs

Index : Yes

Speaking Order

To

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The District Forest Office,
Villupuram.

2. The Tahsildar,
Taluk Office, Panrutti,
Cuddalore District.



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Dr.ANITA SUMANTH,J.

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