



W.P.No.18235 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.18235 of 2020
and WMP.No.22625 of 2020

A.Kalaiselvan

.... Petitioner

Vs

1.The Managing Director
Tamil Nadu Forest Plantation Corporation Ltd
Karur Main Road, Tiruchirapalli - 620 101.

2.The Regional Manager
Tamil Nadu Forest Plantation Corporation Ltd.,
No.450/1, Periyar Nagar, Virudhachalam
Cuddalore District -, Pin - 606 001.

3.MSTC Ltd.,
Rep by its Authorised Signatory
III Floor, ISPAT Bhavan
No.5, Kodambakkam High Road
Chennai - 600 034.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to issue the successful bidder confirmation certificate to the petitioner.



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For Petitioner : Mr.S.Illamvaludhi

For Respondents : Mr.T.Seenivasan
Special Government Pleader for R1 & R2
R3 - No appearance

ORDER

The petitioner is the highest bidder in the two units out of 74 units for which tenders were invited for taking the usufructs from the cashew trees grown in the forests, for the year 2020-2021. Of the two units he bid, one is Unit 10C, for which the base price was Rs.5,20,000/- and the petitioner had quoted Rs.5,65,000/-, and so far as the other unit 12A is concerned, the base price was fixed at Rs.1,38,000/- and the petitioner bid at Rs.2,11,000/-, and he had paid a security deposit of Rs.1.0 lakh each for each of the units. And thereafter nothing happened, complains the petitioner.

2. Mr.T.Seenivasan, learned Special Government Pleader appearing for respondents 1 and 2 circulated a communication addressed to the second respondent sometime in April 2021 by the petitioner, to the effect that he would withdraw the present writ petition, if a confirmation letter accepting his bid is provided. This has little relevance for the simple reason, that



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precisely is the prayer he has made in this writ petition.

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3. The respondent has filed the counter which broadly makes a statement that after the letter of confirmation was issued to the petitioner, the petitioner has collected the usufructs during the pending of the writ petition, and in the context of the case, paragraphs 9 to 11 are important and they are extracted as below:

" 9. It is humbly submitted that, the petitioner had written to the 2nd respondent that, he would withdraw the writ petition on issuance of confirmation order to him. However, he did not withdraw the petition, despite the fact that the sale had been confirmed in his name in the year 2021 itself.

10. It is humbly submitted that, e-tender cum e-auction for the collection of cashew usufructs has been conducted and sale has been confirmed in the name of highest bidders in the subsequent years without any interruption and as such, there is no financial loss to the Government in this regard.

11. In view of the above, it is respectfully submitted that since the confirmation order was already issued to the petitioner for the said two units and also the petitioner completed the collection of cashew usufructs and harvested all the benefits, this petition has now become infructuous."



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He also submits that based on the recommendations of the Forest Range Officer concerned, even the security deposit for both the units for which the petitioner bided was also released vide proceedings Nos.1757/21/L1, dated 02.09.2021 and 758/21/L1, dated 07.09.2021.

4. Arguments were advanced along with the lines indicated above.

5. The tenor of the counter along with the extracted portion indicates that the confirmation order has been issued to the petitioner and he has taken the usufructs. Now 2020-2021 has passed by and inasmuch as it is averred in the counter that even the security deposit of the petitioner has been released, now the petitioner is only required to approach the respondents concerned with appropriate representation and then to work out his strategy.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

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N.SESHASAYEE.J.,

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