



W.P.(MD)Nos.15343 and 11532 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.15343 and 11532 of 2015

and

M.P.(MD)Nos. 1 and 1 of 2015

W.P.(MD)No.15343 of 2015

Vinson

... Petitioner

versus

1. The State of Tamil Nadu
Rep. by the District Collector,
Thoothukudi District,
Thoothukudi.
2. The Executive Officer,
Udangudi Selection Grade Panchayat,
Thoothukudi District.
3. The President,
Udangudi Selection Grade Panchayat,
Thoothukudi District.
4. Ayisha Kallasi,
The President,
Udangudi Selection Grade Panchayat,



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Thoothukudi District.

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5. John Baskar,
15th Ward Member,
Udangudi Selection Grade Panchayat,
Thoothukudi District.

6. Maharajan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.206/2015 dated 14.08.2015 and quash the same and further direct the 2nd respondent to decide the auction in favour of the petitioner for his bidding Rs.8,10,000/-.

For Petitioner : No appearance
For R1 and R2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For RR3, 5 and 6 : No appearance

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Vinson

... Petitioner

versus

1. The District Collector,
Thoothukudi District,
Thoothukudi.



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2. The Director of Town Panchayat,
Tirunelveli.
3. The Executive Officer,
Udangudi Selection Grade Panchayat,
Thoothukudi District.
4. The President,
Udangudi Selection Grade Panchayat,
Thoothukudi District.
5. Ayisha Kallasi,
The President,
Udangudi Selection Grade Panchayat,
Thoothukudi District.
6. John Baskar,
15th Ward Member,
Udangudi Selection Grade Panchayat,
Thoothukudi District.
7. Maharajan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st respondent to take action against the respondents 3, 5 to 7 for fraudulently conducting auction on 30.06.2015 for collection of entrance fees in Udangudi weekly market for the period 01.07.2015 to 31.03.2018 and further, direct the 3rd respondent to decide the auction



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in the petitioner's favour for his bidding Rs.8,10,000/-

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For Petitioner : No appearance
For R1 and R2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R5 to R7 : No appearance

COMMON ORDER

These writ petitions were filed in the month of August 2015 as against the order dated 14.08.2015 passed by the second respondent awarding a contract for collection of entrance fees in Udangudi weekly market for the period 01.07.2015 to 31.03.2018 in favour of the one Maharajan.

2. The case of the petitioner is that he has quoted Rs.8,10,000/-, whereas the said Maharajan quoted Rs.8,01,000/-. After opening the tender, with the connivance of the Executive Officer, Udangudi Selection Grade Panchayat, Thoothukudi District, the officials have received another letter from the said Maharajan, quoting Rs.8,20,000/-



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and awarded the contract in his favour.

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3. The Executive Officer, Udangudi Selection Grade Panchayat, Thoothukudi District has filed a counter affidavit, wherein, he has admitted as under:

“It is further submitted that in the auction, the petitioner herein claimed for Rs.8,10,000/ and the 6th respondent claimed for Rs.8,01,000/-. Another one namely Ponraj claimed for Rs.7,40,500/-. Subsequently, at 3.30 P.M. the tender was opened in the presence of the petitioner herein, wherein the 6th respondent Maharajan had quoted Rs.8,20,000/-.”

4. When these writ petitions were taken up for hearing on 27.11.2023, a representation was made on behalf of the petitioner that nothing survives in these writ petitions and they have become infructuous. Therefore, the petitioner was directed to circulate a letter to that effect. Today, when these writ petitions are taken up for



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consideration, there is no representation for the petitioner.

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5. Though the said Maharajan was served with notice, there was no representation on behalf of him either in person or through a counsel.

6. The learned Additional Government Pleader submits that the petitioner died on 28.06.2019. He has also produced a death certificate of the petitioner before this Court.

7. Considering the fact that the period of contract was over in the year 2018 itself and also considering the fact that the petitioner died on 28.06.2019, these writ petitions are closed. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2023

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

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To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Executive Officer,
Udangudi Selection Grade Panchayat,
Thoothukudi District.



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B.PUGALENDHI, J.

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