



W.P.(MD).No.21064 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **22.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD). No.21064 of 2023
and W.M.P.(MD). Nos.17471 and 18986 of 2023

Pathumuthu

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3. The Tahsildar,
Tiruppathur Taluk,
Sivagangai District.

4. The Executive Officer,
Tiruppathur Town Panchayat (Selection Grade),
Sivagangai District.

5. Kannan

... Respondents

(R5 is impleaded vide order dated 22.09.2023 made in W.M.P(MD).No. 19239 of 2023 in W.P(MD).No.21064 of 2023)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 4 to



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conduct re-auction for the shop No.9 situated at Bus stand, Tiruppathur, Sivagangai District, based on the petitioner's representation dated 25.08.2023.

For Petitioner : Mr.C.Ezhilarasu
For Respondents :Mr.P.T.Thiraviyam
Government Advocate

ORDER

This Writ Petition has been filed seeking for Mandamus to the respondents 2 to 4 to conduct re-auction for the shop No.9 situated at bus stand, Tiruppathur, Sivagangai District, based on the petitioner's representation dated 25.08.2023.

2. The Executive Officer, Tiruppathur Town Panchayat, Sivagangai District/the fourth respondent herein has issued a tender notification, with regard to 48 shops of Thirupathur Bus stand, Sivagangai District for two wheeler parking stand and toilets vide notification in Na.Ka.No.A5/680/2023, dated 08.08.2023. The petitioner said to have submitted a tender application for participating in the auction of the Shop No.9 along with a Demand Draft for a sum of Rs.2,00,000/-, bearing DD No.539246 along with other relevant documents.



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3. The learned counsel appearing for the petitioner claims that 34 shops were allotted to the previous owners and auction was conducted with regard to 14 shops alone. The fourth respondent has approached this petitioner to agree for certain terms. When it was refused by the petitioner, some of them have stopped the petitioner from participating in the auction. Therefore, the petitioner has submitted a representation on 25.08.2023 and filed this writ petition for a Mandamus directing the respondents 2 to 4 to conduct re-auction for the Shop No.9 situated at Thirupathur Bus stand by considering his representation dated 25.08.2023.

4. Mr. P. T. Thiraviam, learned Government Advocate who has taken notice for the respondents has produced a ledger stating that for the Shop No.9, totally twelve persons have applied including this petitioner. However, only nine persons have participated and one Kannan was selected as the highest bidder and the shop was allotted for a sum of Rs.4,100/-. According to the learned Government Advocate, the petitioner having paid a sum of Rs.2,00,000/- has not participated in the auction.



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5. However, the learned counsel for the petitioner disputed the same and submits that the petitioner has been prevented from participating in the auction.

6. Considering the rival submissions made by both sides, the first respondent, namely, the District Collector, Sivagangai District, is directed to conduct enquiry and find out as to whether auction has been conducted in accordance with law and whether the petitioner was prevented from participating in the auction. In the event if it is found that the petitioner was prevented from participating in the auction, the first respondent shall order for fresh auction.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.09.2023

Index: Yes/No
Internet: Yes/No
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B.PUGALENDHI, J.

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