



WP(MD)No.11720 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.11720 of 2016

and

WMP(MD)No.8993 of 2016

M.Selvaraj

.. Petitioner

v.

1.The District Collector,
Dindigul.

2.The Executive Officer,
Nilakottai Town Panchayat,
Dindigul District.

3.D.Muhilan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 05.03.2015 in Na.Ka.No.450/2011/A1 and dated 20.06.2016 in ROC.No.450/2011/A2, passed by the second respondent insofar as Shop No.9 is concerned and quash the same and



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consequently, directing the second respondent to lease out the Shop No.9, Weekly Market Commercial Complex, Anaipatti Road, Nilakottai in favour of the petitioner.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.P.T.Thiraviam
Government Advocate
for R.1, R.2

ORDER

The petitioner, with a grievance that he has quoted Rs.5,000/- for Shop No.9, Panchayat Commercial Complex, Weekly Market, Nilakottai, but, it was allotted to the third respondent who has quoted only Rs.2,300/-, has submitted a representation to the respondents. However, his representation was rejected by the second respondent stating that he has not participated in the auction for Shop No.9 and aggrieved over the same, the petitioner has filed this writ petition.

2.Learned Counsel for the petitioner submitted that the petitioner has taken two demand drafts for participating in the auction for Shop Nos.9 & 16



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vide Demand Draft Nos.701167, 701168 dated 07.10.2014. According to him, both these demand drafts were encashed by the respondents. For both the shops, he was the highest bidder. But, the petitioner was allotted with Shop No.16 alone and though he was the highest bidder for Shop No.9 also, it was allotted for a lesser amount to the third respondent.

3.Considering this averment made by the petitioner, this Court, by earlier order dated 27.11.2023, directed the District Collector / Inspector of Panchayats to file a counter affidavit in this writ petition.

4.The District Collector, after ascertaining the records, has filed a counter affidavit stating that there is no proof for the claim of the petitioner that he has participated and quoted Rs.5,000/- for Shop No.9. However, the District Collector has admitted in the counter affidavit that the petitioner has taken two demand drafts, in Nos.701167, 701168 for a sum of Rs.1,50,000/- each. The fact remains that the petitioner was allotted with Shop No.16 for a sum of Rs.2,200/-, however, he was not considered for Shop No.9. The District Collector has also taken a stand that she has issued instructions to



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refund the deposit of Rs.1,50,000/-, immediately, after following the due process of law. The relevant portion from the counter affidavit is extracted as under:-

“xii) From the verification of the records it is revealed that the petitioner herein offered two demand drafts obtained at Indian Overseas Bank, Nilakottai, on 07.10.2014 viz., DD No.701167 for Rs.1,50,000/- and another DD No.701168 for Rs.1,50,000/-. But the petitioner herein has participated in the tender cum auction only for Shop No.16 at the time of participating in the tender cum auction on 08.10.2014. The petitioner herein has also remitted a sum of Rs. 26,400/- towards annual rental for Shop No.16 only. As the verification of records reveals that the petitioner's amount towards the second DD submitted by him was not returned back to him, I have instructed the Executive Officer, Nilakottai Town Panchayat, the 2nd respondent herein to issue appropriate orders on returning the amount of Rs.1,50,000/- immediately after following due procedures and adhering to the rules in force.”

5.Since the period itself is over and the respondents have come forward to refund the amount, this Court is not inclined to pass any further orders in this writ petition and the same is accordingly, closed. However, the District



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Collector / first respondent shall ensure that the deposit amount is disbursed to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

04.12.2023

To

- 1.The District Collector,
Dindigul.
- 2.The Executive Officer,
Nilakottai Town Panchayat,
Dindigul District.



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B.PUGALENDHI, J.

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