



W.A.No.1419 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.A.No.1419 of 2022 and

CMP No.9085 and 9086 of 2022

M.Sakthivel

... Appellant

Vs.

1. The District Collector,
Salem District, Salem.

2. The Block Development Officer,
Thalaivasal Panchayat Union,
Thalaivasal Taluk, Salem District.

3. The President, Thalaivasal Panchayat,
Thalaivasal Panchayat Union, Salem District.

4. M.Devendran

5. M.Ramar

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order passed by the learned Single Judge in W.P.No.6911/2022 dated 26.04.2022 on the file of this court.



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For Appellant : Mr.R.Sankarasubbu

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For Respondents : Mr.V.Manoharan, Addl.Govt.Pleader
for respondents 1 to 3

Mr.R.Sagadevan for fourth respondent

No appearance for fifth respondent

JUDGMENT

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Intra Court appeal has been filed by the writ petitioner/ appellant as against the impugned order passed by the writ court in W.P.No.6911/2022, dated 26.04.2022.

2. The appellant had filed the above writ petition in the year 2022 to direct the respondents concerned to consider his representations dated 14.03.2022 and 16.03.2022 in accordance with law, by cancelling the auction of daily market at Thalaivasal Panchayat in favour of one Mr.Devendran, 4th respondent herein and to conduct re-auction in a fair manner of the daily market, Thalaivasal Panchayat. The above writ petition was dismissed by the learned Single Judge.



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3. While dismissing the above writ petition, the learned Single Judge has observed as follows.

" 11.Today, the learned counsel for the petitioner has offered Rs.70 lakhs and the same is rejected. In addition to that, the second respondent has collected only Rs.43,39,539/- for the period from 01.04.2021 to 31.03.2022 due to pandemic situation. The fourth respondent has already deposited a sum of Rs.45 lakhs. The fourth respondent is directed to deposit Rs.20 lakhs more as offered before this Court, in addition to balance amount of Rs.30,25,000/- of his bid amount of Rs.75,25,000/- together with GST, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said amount the second respondent is directed to permit the fourth respondent to collect the toll in the daily market".

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that, after disposal of the writ petition, the fourth respondent had remitted the amounts and he was permitted to collect the toll in the daily market at Thalaivasal Panchayat, as per the direction of this court.

5. He further submitted that, the auction period for the year 2023-2024 was expired on 31.03.2024 and subsequent auction for daily market, for the year 2024-2025 was also conducted, in which one Nivash, who was



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the successful bidder, was given license to collect the toll, after complying with all the terms and conditions, notified in the auction notification, issued by the Village Panchayat. He also submitted that the fourth respondent herein is not the license holder to collect the toll in the daily market at Thalaivasal Panchayat for the year 2024-2025. In such circumstances, the prayer sought for in the writ appeal has become infructuous and hence, nothing survives for further adjudication.

6. Recording the submission made by the learned Additional Government Pleader, this writ appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K.J.) (K.B.J.)

24.06.2024

Internet: Yes/No

Index : Yes/No
mst

To

1. The District Collector, Salem District, Salem.
2. The Block Development Officer,
Thalaivasal Panchayat Union, Thalaivasal Taluk, Salem District.
3. The President, Thalaivasal Panchayat,
Thalaivasal Panchayat Union, Salem District.

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