



W.P.(MD)No.3200 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.3200 of 2024

I.Vincent Raja

... Petitioner

Vs

1.The District Collector,
Office of the Collectorate,
Ramanathapuram,
Ramanathapuram District.

2.The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to make adequate arrangements/protection to cover the entire Auction and Tender process scheduled to be conducted on 15.02.2024 and 16.02.2024 through Video Recording without any hindrance as per Notification, dated 30.01.2024 of the second respondent by getting assistance from the Law enforcing Agency.

For Petitioner : Mr.D.Senthil

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent to make adequate arrangements/protection to cover the entire Auction and Tender process scheduled to be conducted on 15.02.2024 and 16.02.2024 through Video Recording without any hindrance as per Notification, dated 30.01.2024 of the second respondent by getting assistance from the Law enforcing Agency.

2. Heard Mr.D.Senthil, learned counsel appearing for the petitioner and Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the respondents.

3. By consent, this writ petition is disposed of at the admission itself.

4. According to the petitioner, he is the Ex-Councilor of Paramakudi Municipality and his mother is a registered Class-I Contractor in the second respondent Municipality and a number of contract works were done by his mother without any remarks in the second respondent Municipality previously. On 30.01.2024, the second respondent herein issued the Publication for conducting Auction-cum-Tender for collecting entry fees and charges in weekly



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market and road side vendors and other works in Paramakudi Municipality.

The above notification was issued as per the resolution of the second respondent council vide Resolution No.750, dated 30.01.2024 for the period from 01.04.2024 to 31.03.2027. As per the notification, the date of Auction and Tender will be conducted on 16.02.2024 and schedule will be received at 10.30 to 11.00 a.m., and after that, auction will be conducted at 11.30 a.m., and after completing the auction, tender schedule will be opened in the presence of the participants. In Paramakudi Entry Fee collection in weekly market is under the control of one family (District Secretary of Political Party) for the past 40 years on the basis of Political support. Except his family members, others are not allowed to participate in the Auction by using muscle power. In Ramanathapuram District, Mudukulathur is a Town Panchayat and in that, Mudukulathur weekly market entry collection was auctioned for 50 lakhs, but in Paramakudi, last year auction amount is Rs.18 lakhs only and further more, Paramakudi is a Municipality and more than 2 lakhs people are residing in Paramakudi and around Paramakudi number of villages and Hamlets are there. On 02.02.2024 the petitioner enquired about the Auction from one Junior Assistant working in the second respondent Municipality. On 05.02.2024 he received a letter from one Vellathurai son of Maruthupandi and in which, it is stated that not to participate in the auction for weekly market collection and if



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he participate in the auction by ignoring the threat, he will be murdered. The petitioner lodged the complaint before the jurisdictional police station on 09.02.2024. The police also issued a CSR No.91/2024 on 10.02.2024 and the matter is pending for enquiry by the police. As per notification, participants, who have to submit the Demand Draft on 15.02.2024 and those persons were allowed to participate in the Auction and Tender by the second respondent. He received the threatening calls and hence, he made a representation to the second respondent on 09.02.2024 in person and through registered post on 10.02.2024 to cover the entire proceedings through videograph. Since the respondents have not considered the same, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents would submit that there is an internal fight between two contractors, if the auction is videographed, law and order problem will arise. He would further submit that if the petitioner is ready and willing to pay the necessary charges for giving police protection, the jurisdictional police shall give police protection to the petitioner at the time of conducting the tender process, but the videograph cannot be done at this juncture.



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6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the concerned jurisdictional police to take the videograph of the auction from the road entry to the office and the petitioner shall pay the necessary charges for police protection and for videographing. The learned Additional Government Pleader is directed to communicate the above said order through SMS or through E-mail to the said authorities immediately.

7. Accordingly, this writ petition is disposed of. No costs.

8. Post the matter on 01.03.2024 for reporting compliance.

13.02.2024

Index : Yes/No

Internet: Yes/No

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To

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Ramanathapuram,
Ramanathapuram District.
- 2.The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.



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V.BHAVANI SUBBAROYAN, J.

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