



W.P.(MD) No.17187 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.17187 of 2023

and

W.M.P.(MD) No.14378 of 2023

G.Boopathy

.. Petitioner

Vs.

1.The Commissioner,
HR & CE Department, Thanjavur District.

2.The Assistant Commissioner,
HR & CE Department, Thanjavur District.

3.Thakkar/Executive Officer,
Arulmigu Sellayi Amman Thirukkivil,
Nemam, Boodhalur Taluk,
Thanjavur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records pertaining to the Public Auction Notice dated 28.06.2023 on the file of the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.S.A.Ajmalkhan



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For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the public auction notice dated 28.06.2023 issued by the third respondent.

2. A counter affidavit has been filed by the third respondent wherein in paragraph 13, he has specifically stated that there is a typographical error with regard to the survey number mentioned in the tender notice. However, he would contend that the said typographical error would not vitiate the tender process. The said statement made is reproduced hereunder:

“13.I submit that the survey mentioned in the tender notice is typographical error and further the tender notice have clear stated that the tender is conducted in respect of water tank adjacent to 3rd respondent temple and therefore the typographical error will not vitiate the tender process. I submit that the very writ petition filed writ petitioner only to stall the process of tender in order to save the unauthorized enjoyment of his family members which



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was already restrained by the 3rd respondent and further when notice dated 12.06.2023 was issued to his brother Kumar to remove the encroachment made him in the bunds of water tank and on receipt of said notice he gave reply dated 16.06.2023 in which he had categorically admitted that the water tank in question is belong to 3rd respondent temple and he had not made encroachment.”

3. In view of the specific admitted fact that the survey number had wrongly been stated in the tender notice, the impugned tender notice is set aside with liberty to the third respondent to issue appropriate tender notice in the manner known to law and the petitioner is also at liberty to challenge the same, if he is aggrieved by the same.

4. In fine, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.12.2024

NCC : Yes/No
Index : Yes/No
abr



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K.KUMARESH BABU, J.

abr

To

- 1.The Commissioner,
HR & CE Department, Tnjavur District.
- 2.The Assistant Commissioner,
HR & CE Department, Tanjavur District.
- 3.Thakkar/Executive Officer,
Arulmigu Sellaai Amman Thirukkivil,
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