



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.8622 of 2025
and WMP.Nos.9648 & 9649 of 2025

R.Ranjith

.. petitioner

vs

The District Collector
Salem District,
Salem.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his proceedings Na.Ka.No.452/2025/A2 dated 28.02.2025 and quash the same and consequently direct the respondents to award contract to the petitioner to collect toll charge in Pappampadi Village Weekly Market, Omalur Taluk, Salem District for one year from 01.04.2025 to 31.03.2026 after taking into account the loss sustained by the petitioner.



For Petitioner : Mr.K.Raja

For Respondents : M/s.R.L.Karthika, GA

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ORDER

This writ petition has been filed to call for the records of the 2nd respondent in his proceedings Na.Ka.No.452/2025/A2 dated 28.02.2025 and to quash the same and consequently direct the respondents to award contract to the petitioner to collect toll charge in Pappampadi Village Weekly Market, Omalur Taluk, Salem District for one year from 01.04.2025 to 31.03.2026 after taking into account the loss sustained by the petitioner.

2. The learned counsel for the petitioner submitted that the tender notification was issued on 28.02.2025 by the Commissioner, Panchayat Union, Tharamangalam, for collecting toll charges in the weekly market, Pappampadi Village, Chinnappampatti post, Omalur Taluk, Salem for the period from 01.04.2024 to 31.03.2025. The petitioner has taken licence for the last four years to collect the toll/sungam from the shop owners of the market. The public auction notification was issued on 28.02.2025, the petitioner gave his representation on the same day itself seeking to grant contract for further period of one year from 01.04.2025 to 31.03.2026. However, the same was not considered till date.



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3. The learned counsel would further submit that the auction was fixed on 12.03.2025, since, there was mazimagham festival / Thiruvizha in the village, all the contractors have orally requested the 2nd respondent /Block Development Officer not to conduct the auction and to postpone the same, in view of the above festival. But the same was not considered by the 2nd respondent and the 2nd respondent went on conducting the public auction. There was only three contractors participated in the auction and it was given to the highest bidder by name Govindaraj s/o.Sellamuthu, Pappampatti for a sum of Rs.7,51,000/- with 1% income tax and 18% GST totally for a sum of Rs.8,93,690/-.

4. The learned counsel would further submit that the petitioner is willing to pay 10% addition to the auction amount quoted by the highest bidder/Govindaraj which was fixed for a sum of Rs.7,51,000/-.

5. The learned Government Advocate appearing for the respondents would submit that it was orally represented to the 2nd respondent, not to conduct auction which was scheduled on 12.03.2025 (i.e., yesterday) due to Mazimagham festival in the village. She would further submit that there is



no instruction from the second respondent in this regard. She would further submit that since auction is conducted and the license was awarded to the highest bidder. The request of the petitioner to increase the bid amount at 10% in addition to quoted amount of Rs.7,51,000/- cannot be accepted at this stage.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

7. The learned counsel for the petitioner on instruction submitted that the petitioner is ready and willing to give his representation to the 2nd respondent stating that he is ready to pay 10% in addition to the bid amount of Rs.7,51,000/- which was quoted by the highest bidder / Govindaraj.

8. The petitioner is directed to submit his representation by 14.03.2025 (tomorrow) without awaiting for the copy of this order. If any such representation is given by the petitioner, the 2nd respondent may consider the same on merits and pass orders in accordance with law, within a period of one week.



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9. With the above directions and observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.03.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The District Collector
Salem District,
Salem.

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



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J. SATHYA NARAYANA PRASAD, J.

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