



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP.No.11103 of 2025

and

WMP.Nos.12532 & 12533 of 2025

E.Murugesan
S/o.Erusa Gounder,
Sooranvalavu, Pappampadi Village,
Chinnappampatti Post, Omalur Taluk,
Salem District- 630 306.

Petitioner(s)

Vs

1.The District Collector
Salem District, Salem.

2.The Commissioner,
Taramangalam Panchayat Union,
Omalur Taluk, Salem District- 630 306.

Respondent(s)

PRAYER Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the impugned order passed by the 2nd respondent herein in his proceeding Na.Ka.No.452/2025/A2 dated



20.03.2025 and quash the same and consequently direct the respondents herein to conduct re- auction for collecting toll charges in Pappampadi Weekly Market, Omalur Taluk, Salem District for the period from 01.04.2025 to 31.03.2026 after accepting extra 50% amount and pass such further orders.

For Petitioner(s): M/s.T.Dharani

For Respondent(s): Mr.M.Rajendiran,
Additional Government Pleader for R1

Mr.D.Gopal,
Government Advocate for R2

ORDER

This writ petition has been filed challenging the impugned order passed by the 2nd respondent herein in his proceeding Na.Ka.No.452/2025/A2 dated 20.03.2025 and consequently directing the respondents herein to conduct a re-auction for collecting toll charges in Pappampadi Weekly Market, Omalur Taluk, Salem District, for the period from 01.04.2025 to 31.03.2026 after accepting an extra 50% amount.

2. The case of the petitioner is that he challenges the auction conducted on 12.03.2025 for collecting toll charges at Pappampadi Weekly Market. The



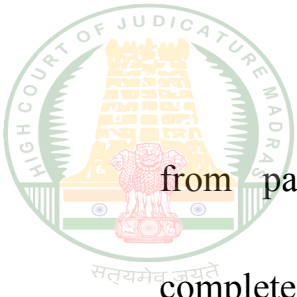
previous contract, awarded to one Mr.Ranjith for Rs.6,63,000/-, was set to expire on 31.03.2025. The new auction was scheduled during the Maasi-Ouru

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Thiruvizha (10.03.2025-15.03.2025), despite requests from contractors, including the petitioner, for postponement. Due to the festival, most contractors could not participate, and the auction was finalized for Rs.7,51,000/- with only two or three bidders.

3. The petitioner and other contractors were unaware of the auction, as no proper public notice was issued. After the festival, the petitioner offered to pay 50% more than the final bid amount, but this was rejected by the second respondent. The petitioner alleges that the auction lacked transparency and was conducted in a manner that favoured select bidders, leading to a financial loss for the Panchayat Union.

4. Learned counsel appearing for the petitioner submits that the auction held on 12.03.2025 was arbitrary and unfair, as it was conducted during the Maasi Ouru Thiruvizha, preventing many contractors, including the petitioner,



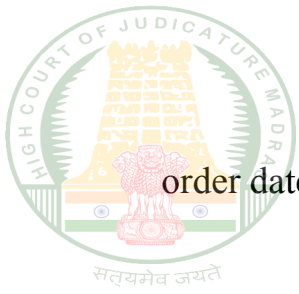
from participating. Unlike previous years, where over ten contractors completed, only two or three bidders attended, leading to a lower bid amount.

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Despite requests for postponement, the second respondent proceeded with the auction, while the daily market auction was postponed for the same reason, indicating bias and favoritism. Additionally, the auction process violated the Tamil Nadu Transparency in Tenders Act, 1998, as no proper public notice, newspaper advertisement, or video coverage was done, unlike in previous years.

5. The Petitioner and the other contractors were willing to pay significantly higher amounts, proving that a re-auction could have increased revenue for the Panchayat Union. The second respondent's actions resulted in financial loss to the department, and the petitioner, therefore, seeks a Writ of Certiorarified Mandamus to quash the action and direct a fair re-auction.

6. It is submitted by the learned counsel that he is ready to pay 50% more than the bid amount, and the petitioner also gave a representation to the 2nd respondent dated 17.03.2025, and the same was rejected vide the impugned



order dated 20.03.2025.

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7. Learned Government Advocate appearing for the 2nd respondent submits that the auction was conducted on 12.03.2025 and the representation was given by the petitioner only on 17.03.2025, informing that he is ready to pay 50%. If at all he wanted to offer, he should have been paid within 24 hrs, i.e. 13.03.2025, as per condition 9 of the tender notification dated 05.03.2025.

8. He further submits that as per the auction conducted on 12.03.2025, a licence was granted to one person, the highest bidder, for a sum of Rs.7,51,000/- and previously he had taken it for a sum of Rs.6,63,000/-. Even in the representation given by the petitioner dated 17.03.2025, he only stated that he is ready to pay 50% more than the bid amount and requested that the licence should be granted to the petitioner from 01.04.2025 to 31.03.2026 for the period of one year.

9. Heard both sides and perused the materials available on record.



10. In this case, the auction was already held on 12.03.2025. If the petitioner wanted to pay 50% more than the bid amount, then he should offer it on the next day itself, i.e., on 13.03.2025, as per condition 9 of the tender notification dated 05.03.2025. However, in the representation given by the petitioner, he has also stated that the licence should be granted to him for the period of one year from 01.04.2025 to 31.03.2026, which he cannot claim as a matter of right, and it is for the authorities to consider the same. In the present case, the auction was conducted, and the licence was granted to the successful bidder for a sum of Rs.7,51,000/-.

11. In view of the above facts and circumstances of the case, the impugned order passed by the 2nd respondent vide proceeding in Na.Ka.No.452/2025/A2 dated 20.03.2025 is hereby confirmed.

In the result, the **writ petition stands dismissed as devoid of merits**. No costs. Consequently, connected miscellaneous petitions are closed.

26-03-2025

cda

Speaking/Non-speaking order



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To

1.The District Collector,
Salem District, Salem.

2.The Commissioner,
Taramangalam Panchayat Union,
Omalur Taluk,
Salem District- 630 306.



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J.SATHYA NARAYANA PRASAD J.

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