



W.P.No.14497 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.14497 of 2025

and WMP.Nos.16383 and 16386 of 2025

Jeelan

.. Petitioner

vs

1.The District Collector
Dharmapuri District.

2.The Assistant Director
Department of Town Panchayat
Collectorate, Dharmapuri

3.The Executive Officer
Papparapatti Town Panchayat
Papparapatti Post
Dharmapuri District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorari to call for the records in respect to the 2nd condition in the notification Na.Ka.No.138/2025/A2 dated 07.04.2025 on the file of the 3rd respondent



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and quash the same.

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For Petitioner : Mr.S.C.Viswanth

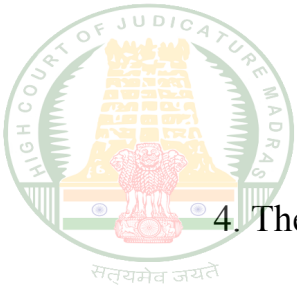
For Respondents : Mr.M.Rajendran, AGP for R1 & R2.
Mr.C.Sathish, GA for R3.

ORDER

This writ petition has been filed to call for the records in respect to the 2nd condition in the notification Na.Ka.No.138/2025/A2 dated 07.04.2025 on the file of the 3rd respondent and to quash the same.

2. The petitioner intended to participate in the tender cum auction proposed to be conducted by the 3rd respondent on 25.04.2025 and issued paper publication on 07.04.2025. The 2nd conditions imposed to collect two EMD for a single work which is contrary to the law. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that for one work the respondents are seeking two demand drafts which is contrary to the rules.



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4. The learned Additional Government Pleader takes notice for the respondents

1 and 2. The learned Government Advocate takes notice for 3rd respondent.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that there would be two types of auctions, one is by way of sealed tender and other is by way of open auction, for which two demand drafts should be submitted by the bidder. He further submits that first open auction will be conducted and select the highest bidder and thereafter the sealed tender will be opened and if any amount quoted more than the open auction that person will be given tender license for collecting the toll/sungam for the daily market at Papparapatti Town Panchayat for a period of one year. The learned Additional Government Pleader would further submit that in the event of the petitioner being not a successful bidder, the deposit of EMD amount will be refunded to the petitioner.

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

7. This Court directs the respondents to proceed with the auction scheduled to



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be held on 25.04.2025 (Friday). The petitioner is directed to furnish two demand

drafts one is for the sealed tender and another for open auction. If the petitioner is not a successful bidder, the entire EMD amount shall be refunded to the petitioner by the 3rd respondent within a period of one month from the date of auction. If the amount is not refunded to the petitioner within a period of one month from the date of auction, the entire amount carries interest at the rate of 6%p.a. from the date of auction, till the date of payment.

8. With the above observations and directions, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

23.04.2025

Note : Issue copy on 23.04.2025.

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The District Collector
Dharmapuri District.

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2.The Assistant Director
Department of Town Panchayat
Collectorate, Dharmapuri

3.The Executive Officer
Papparapatti Town Panchayat
Papparapatti Post
Dharmapuri District.



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J. SATHYA NARAYANA PRASAD, J.

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