



WEB COPY

WP No. 23451 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 23451 of 2025

and

WMP Nos.26317 and 26319 of 2025

P.Dharmalingam

Petitioner(s)

Vs

1. The Commissioner,
Pollachi Municipality,
Pollachi- 642 001.

2.Arumugam
S/o Sithaiyan,
No. 133/115, CTC Colony,
Pollachi.

Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India, pleaded to issue Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in proceedings Na.Ka. No 2462 / 2025 / A6 dated 11.06.2025, and quash the same as arbitrary, illegal and unconstitutional and to consequently direct the 1st respondent to conduct the public auction for the daily market “Tamil Thendral Thiru Vi Ka. Daily Vegetable Market” at Pollachi by following the due process of law.



WEB COPY

WP No. 23451 of 2025



For Petitioner(s): Mr.Sunny Sheen
for Mrs.V.Srimathi

For Respondent(s): Mr.Hajanazirudeen, AAG
asstd. by Mr.B.Anand, St.C.
for R1
Mr.T.Mohan, Sr.C.
for Mr. R. Prabakar
for R2

ORDER

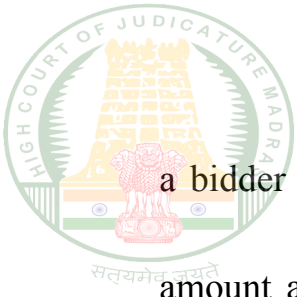
The above Writ petition is filed for issuance of a writ of certiorarified mandamus, to quash the order of the 1st respondent dated 11.06.2025, and consequently direct the 1st respondent to conduct public auction for the daily market “Tamil Thendral Thiru Vi Ka. Daily Vegetable Market” at Pollachi by following due process of law.

2. The petitioner along with three other bidders participated in the auction conducted by the respondent, for leasing out the rights of the daily vegetable market. The petitioner bid for an amount of Rs.22 Lakhs, which was higher than the 2nd respondent's bid. The petitioner states that he was prevented from entering into the auction hall by certain rowdy elements, who according to him belonged to the ruling political party. According to the petitioner, the entire



auction procedure was absolutely fake and therefore the petitioner lodged a complaint to the Commissioner, objecting to the same. The 1st respondent in response to the petitioner's representation, passed the impugned order dated 11.06.2025, rejecting the petitioner representation. Aggrieved by the said rejection order, the petitioner filed the above writ petition for the aforesaid relief.

3. The 1st respondent filed counter stating *inter alia* that the allegations of the petitioner that unruly elements prevented the petitioner from participating in the tender cum auction was incorrect, and that the auction was conducted in a fair and transparent manner. According to the respondents, the petitioner left the auction premises at 11.00 a.m and after leaving the premises, he did not re-enter the premises to participate in the open auction. As other tenderers participated in the public auction, the respondents opened the sealed tenders, in the presence of other tenderers and thereafter the officials of the Municipality confirmed the bid in favour of the 2nd respondent, who was the highest bidder. The respondent further stated that as per Clause 42 of the Tender Notification, if



WEB COPY

a bidder was willing to offer more than the highest bidder, and if the deposit amount along with 25% increase of the highest bid by way of bank DD was made within 24 hours, of conclusion of the tender auction, such bidder was eligible for grant of tender. The petitioner instead of following the procedure under Rule 42, merely gave representation, that too, after 20 days from the auction date and hence, the petitioner's writ petition did not deserve any merit and liable to be dismissed.

4. Heard both sides and perused the record. With the consent of both the learned counsels, the writ petition is taken up for final disposal.

5. On 26.06.2025, considering the serious allegations of the learned counsel for the petitioner, regarding violation of the provisions of the Tender Transparency Act, in the conduct of the auction, this Court while granting interim injunction, directed the respondents to produce the entire CCTV footage recorded on 08.05.2025. Thereafter, the respondents produced the CCTV footage and after examining the entire footage, this Court was convinced that

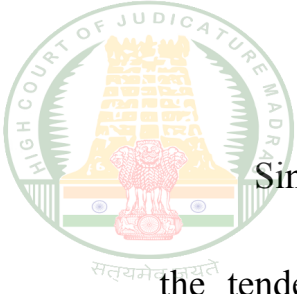


the allegations of the petitioner that the petitioner was prevented from participating in the auction due to certain unruly elements, was incorrect.

WEB COPY

6. From the CCTV footage, it was clear that the petitioner left the auction premises voluntarily at 11.00 a.m. Since the petitioner voluntarily abstained from the tender process, the respondents cannot be faulted for opening the sealed tenders and confirming the highest bid of the 2nd respondent. As rightly contended by the respondents, the petitioner had an opportunity to offer 25% more than the highest bid of the 2nd respondent within 24 hours of the conclusion of the auction, as contemplated under Rule 42 of the Act. However, the petitioner failed to exercise the option. Under the facts and circumstances of the case, **I find no merit in the writ petition and hence, the same is dismissed.**

7. It is submitted by the learned counsel for the petitioner that the tender deposit amount of Rs.7,00,000/- (Rupees Seven Lakhs), retained by the respondents, may be directed to be returned to the petitioner.



Since the writ petition is dismissed, the respondents are directed to return the tender deposit amount of Rs.7,00,000/- (Rupees Seven Lakhs) to the petitioner, within a period of four weeks, from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

dsn

24-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 23451 of 2025



To
WEB COPY

The Commissioner,
Pollachi Municipality,
Pollachi- 642 001.



WEB COPY

WP No. 23451 of 2025



N.MALA J.

dsn

WP No. 23451 of 2025

24-07-2025