



W.A.(MD)No.962 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.962 of 2025
and
C.M.P.(MD)Nos.6105 and 6694 of 2025**

Mahalingam

... Appellant

Vs.

- 1.The District Collector,
Collectorate Office,
Karur District.
- 2.The Executive Engineer,
Water Resource Department,
Ariviyaru Basin Division,
Trichy.
- 3.The Assistant Engineer,
Water Resource Department,
Ariviyaru Basin Division,
Trichy.
- 4.Karikalan

... Respondents



W.A.(MD)No.962 of 2025

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD) No.6149 of 2025 dated 07.03.2025 on the file of this Court.

For Appellant : Mr.T.A.Ebenezer

For Respondents : Mr.A.Kannan,
Addl. Government Pleader for R1 to R3.
Mrs.N.Krishnaveni, Senior Counsel,
For Mrs.R.Vidhya for R4.

JUDGMENT

Heard both sides.

2.The case on hand pertains to auctioning of Karuvelam trees in Panchampatti Dam. The fourth respondent / Karikalan was the successful bidder. Challenging the award of contract passed in favour of Karikalan, the appellant filed W.P.(MD)No.6149 of 2025. The writ petition was disposed of by the learned Single Judge on 07.03.2025 in the following terms:-

“5.In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 25.02.2025, on its own merits and



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W.A.(MD)No.962 of 2025

pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the third respondent herein, as well as all other persons, who may be interested in the subject matter, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.”

Aggrieved by the same, the appellant has filed this writ appeal.

3.At the time of admission, the appellant submitted that he is ready to offer Rs.75,00,000/-.

4.It is true that the offer of the appellant is attractive and it would also serve the interest of revenue. But then, these are matters of commerce and there will have to be something called certainty. The materials on record indicate that the appellant also participated in the auction proceedings. When the appellant participated in the auction proceedings, nothing stopped him from making the present offer at the time of auction itself. Having failed to do so, it is too late in the day for the appellant to seek to unsettle the outcome. In any event, the appellant



W.A.(MD)No.962 of 2025

has an appeal remedy under Section 11 of the Tamil Nadu Transparency
in Tenders Act, 1998.

5.Granted liberty to the appellant to workout his remedy in the
manner known to law, this writ appeal is dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (K.R.S. J.)
04.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The District Collector,
Collectorate Office,
Karur District.
- 2.The Executive Engineer,
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Trichy.
- 3.The Assistant Engineer,
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W.A.(MD)No.962 of 2025



WEB COPY



W.A.(MD)No.962 of 2025

G.R.SWAMINATHAN, J.
and
K.RAJASEKAR, J.

ias

W.A.(MD)No.962 of 2025

04.06.2025