



W.P.(MD) No.16710 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16710 of 2025

and

W.M.P.(MD) Nos.12678, 12679 & 12680 of 2025

D.Franco Livingston

... Petitioner

Vs

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Assistant Director,
Town Panchayat,
Collectorate Campus,
Nagercoil,
Kanyakumari District.

3. The Executive Officer,
Thirparappu Selection Grade Town Panchayat,
Thumbacode,
Kanyakumari District.

4. The President,
Thirparappu Selection Grade Town Panchayat,
Thumbacode,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the Impugned 5th Tender Notification in Na.Ka.No.144/2025/A2, dated 12.06.2025, issued by the 3rd respondent quash the same and consequently directing the third respondent to allow the petitioner in collection of Entry Fees for Thirparappu Water Falls based on the previous auction conducted on 10.06.2025.

For petitioner : Mr.G.Radhakrishnan

For respondents :Mr.Ajmal Khan
Additional Advocate General-I
Asst. by Mr.D.Ghandiraj
Special Government Pleader

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and learned Additional Advocate General-I for the respondents.

2. The petitioner has challenged the impugned Tender Notification, dated 12.06.2025. The impugned Tender Notification has been issued after previous tender notice, dated 27.05.2025 bearing reference Na.Ka.No.144/2025/A2, which was challenged before this Court on the behest of one M.S.Manojith in W.P.(MD) No.15385 of 2025 and the same was dismissed *vide* order, dated 09.06.2025. The petitioner was also a bidder in that Tender Notification, dated 27.05.2025.



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3. It is the specific case of the petitioner that there is certain land dispute with the fourth respondent/Town panchayat in O.S.No.327 of 2024 on the file of the learned Sub Judge, Padmanathapuram.

4. It is further case of the petitioner that this is the fifth tender notification in respect of the collection of entree fee in Thirparappu water falls in Kanyakumari District and that each of the tender notification is being amended to ensure that many persons, particularly like the petitioner, are to be isolated. Specifically, a reference was made to Clause 23 to the tender notification, as per which any person having litigation with the fourth respondent or the tender proceedings will be disqualified from participating auction pursuant to the impugned Tender Notification, dated 12.06.2025.

5. The learned Additional Advocate General-I for the respondents submits that the aforesaid Clause will be removed and not pressed.

6. Recording the same, there shall be positive direction to the respondents to delete the above clause from the tender notification. The petitioner is entitled to



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submit his offer before the last date, i.e., on 27.06.2025.

7. The petitioner shall, however, comply with other conditions of the Tender Notification, if the petitioner desires to participate in the Tender Notification, dated 12.06.2025.

8. Since the petitioner had already deposited Rs.1,03,76,800/- with the third respondent, pursuant to the tender floated on 27.05.2025, the respondents are directed to refund the aforesaid amount immediately.

9. This Writ Petition is disposed of, with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

apd

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