

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 05.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15832 of 2015

and

M.P.No.1 of 2015

Mr.Motcham Newin Fernando

... Petitioner

Versus

1. The Managing Director
Tamilnadu Housing Board Nandanam
Chennai- 600 035.
2. The Secretary/Personnel
Officer Tamilnadu Housing Board Nandanam
Chennai-600 035.
3. The Executive Officer
Tamil Nadu Housing Board K.K.Nagar Division
K.K.Nagar Chennai-600 078.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the 3rd respondent to cancel the auction conducted by them on 25.03.2015 based on the Tender Notification bearing Se.Ma.Tho.E/261/Varaikalai/2015 dated 08.03.2015 and to conduct the fresh tender for the commercial shop situated at A Block Shop No.3 K.K.Nagar Division Odderpalayam Scheme having built up area of 348 sq.ft. and U.D.S. of about 700 sq.ft. and consequently direct the respondents to follow the terms and conditions laid down in the said tender notification.

For Petitioner : Mr.M.Vijay Anand
for M/s.Sree Sun Associates

For Respondents : Mr.B.Vivekavannan
Standing counsel for TNHB

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is a businessman and the owner of Motcham Theatres and he is having a very good reputation and good will in the market and he is also engaged in the business of real estate development in and around the city of Chennai. The petitioner would state that during the month of March 2015, the 3rd respondent has floated a tender notification dated 08.03.2015 for conducting auction sale of several commercial properties including the shop situated at "A" Block, Shop No.3, K.K.Nagar Division, Odderpalayam Scheme having a building of 368sq.ft., and undivided share of 700 sq.ft and it is sought to be conducted by way of 'Sealed Tender cum Open Auction' method.

3. The petitioner would state that he has also submitted his bid, but without complying with the relevant tender conditions and norms, the bid has been given in favour of a third person viz. Ms.Anandhi and aggrieved by the said illegal activities, the petitioner has submitted a representation dated 01.04.2015 followed by another representation dated 28.05.2015 and since, he has not been favoured with any response, came forward to file this writ petition.

4. Heard the submissions of Mr.M.Vijay Anand, learned counsel appearing for the petitioner and Mr.B.Vivekavanam, learned standing counsel, who accepts notice for the respondents.

5. Taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, this Court, directs the 1st respondent to consider the representations dated 01.04.2015 and 28.04.2015 submitted by the petitioner, on merits and in accordance with law, after putting on notice the successful bidder and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as to the successful bidder.

6. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ars

To

1. The Managing Director
Tamilnadu Housing Board Nandanam
Chennai- 600 035.
2. The Secretary/Personnel
Officer Tamilnadu Housing Board Nandanam
Chennai-600 035.
3. The Executive Officer
Tamil Nadu Housing Board K.K.Nagar Division
K.K.Nagar Chennai-600 078.

+1cc to Mr.V.Anandamurthy, Advocate, S.R.No.27170

+1cc to M/s.Sree Sun Associates, Advocate, S.R.No.27114

W.P.No.15832 of 2015

MG(CO)
CA(16/06/2015)



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