

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14140 of 2016

and

WMP.No.12375 of 2016

M.Thangapandian Petitioner
vs.

1.State of Tamil Nadu rep. by its
Secretary, Housing and Development Department,
Fort St. George, Chennai -9.

2.The Chairman,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai 600 035.

3.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai 600 035.

4.The Executive Engineer &
Administrative officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam Shopping Complex,
Thirumangalam,
Chennai 600 101.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the fourth respondent to issue allotment order for shop No.18 to the petitioner at Thirumangalam Shopping Complex, Thirumangalam Housing Board, Thirumangalam, Chennai - 600 101, based on the auction conducted on 29.12.2015 and thereby dispose of the representation of the petitioner dated 29.03.2016.

For Petitioner : Mr.A.R.Nixon

For R1 : Mr.V.Jayaprakash Narayanan, SGP

For R2 to R4 : Mr.V.Anandhamoorthy

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the fourth respondent to consider his representation dated 29.03.2016 and to issue him the allotment order for shop No.18 at Thirumangalam Shopping Complex, Thirumangalam Housing Board, Thirumangalam, Chennai - 600 101, based on the auction conducted on 29.12.2015.

2. It is the case of the petitioner that he is running a Browsing Centre under the name and style of Indian Browsing Centre in shop No.25, Thirumangalam Shopping Complex, Tamil Nadu Housing Board, which was allotted to him on rental basis in the year 2010. While so, the fourth respondent herein issued a notification in the newspaper viz., 'Dinamani' on 13.12.2015, calling for applications from the public for allotment of shop no.18 at Thirumangalam Shopping Complex, Tamil Nadu Housing Board, Thirumangalam on rental basis, through sealed tender-cum-open auction to be conducted on 22.12.2015. Pursuant to the same, the petitioner made an application along with a Demand Draft for Rs.5,000/- for the purpose of allotment of shop no.18. On scrutinising the application forms, an auction was conducted on 29.12.2015. In the said auction, the petitioner herein was the highest bidder. So, he deposited a sum of Rs.3,500/- towards initial deposit for allotment. In the mean while, he made a representation dated 04.03.2016 to the fourth respondent to surrender shop no.25 at the end of April 2016. However, no allotment order was issued to him with respect to shop no.18, which compelled the petitioner to make a separate representation dated 29.03.2016 to the respondents 3 and 4 requesting to issue an allotment order for shop no.18 and the said representation was not considered so far. Therefore, the petitioner has approached this court with the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned standing counsel for the respondents 2 to 4.

4. Considering the limited nature of the relief sought for herein, this Court directs the fourth respondent to consider the representation made by the petitioner dated 29.03.2016, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders, with regard to allotment of shop no.18 at Thirumangalam Shopping Complex, Thirumangalam Housing Board, Thirumangalam, Chennai. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the fourth respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain the status quo as on today.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.State of Tamil Nadu rep. by its
Secretary, Housing and Development Department,
Fort St. George, Chennai -9.

2.The Chairman,
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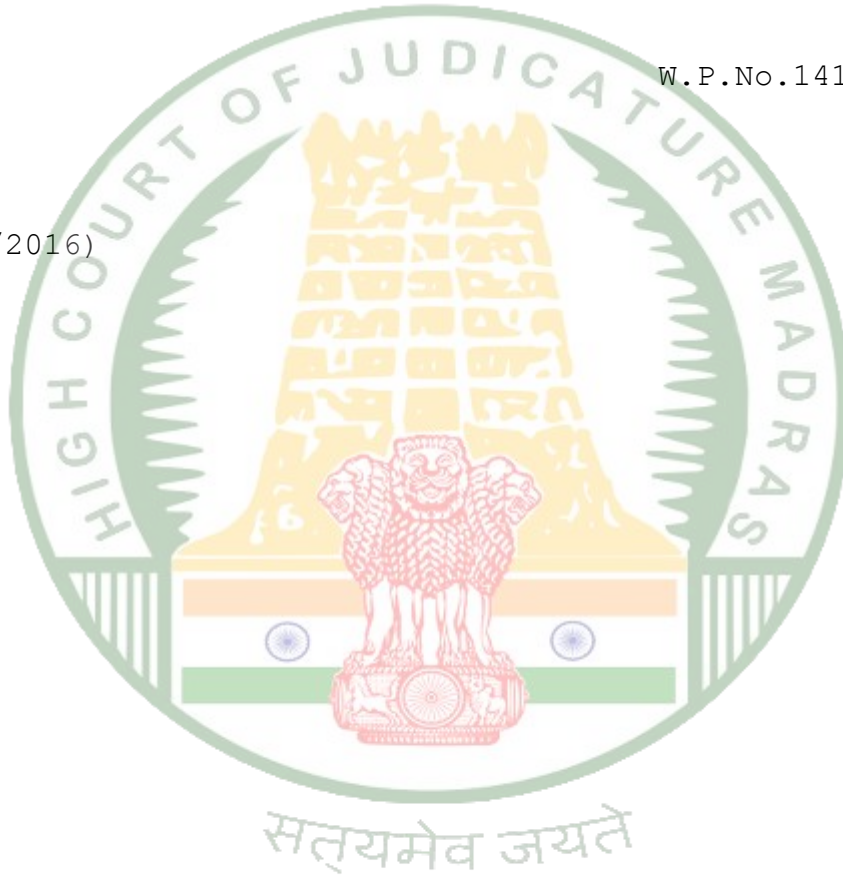
3.The Managing Director,
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4.The Executive Engineer &
Administrative officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam Shopping Complex,
Thirumangalam,
Chennai 600 101.

+1cc to Mr.A.R.Nixon, Advocate, S.R.No.24035
+1cc to M/S.V.Anandha Moorthy, Advocate, S.R.No.24383
+1cc to the Government Pleader, S.R.No.24208

W.P.No.14140 of 2016

ad(CO)
srg(06/05/2016)



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