

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.36046/2016 & WMP.No.30974/2016

M.Thangapandian

.. Petitioner

Vs.

1.The Secretary

State of Tamil Nadu
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
483, 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 filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records relating to the order passed by the 4th respondent in Letter No.m/e/nfh 8/1725/1985 dated 20.09.2016 and quash the same thereby directing the 4th respondent to issue allotment order for shop No.18 to the petitioner at Thirumangalam Shopping Complex, Thirumangalam Housing Board, Thirumangalam, Chennai-101 based on the auction conducted on 29.12.2015.

For Petitioner : Mr.A.R.Nixon
For R1 : Mr.R.A.S.Senthilvel, AGP
For RR2 and 3 & 4 : Mr.V.Anandamoorthy,
Standing Counsel

ORDER

Heard the learned counsel for the petitioner ;
Mr.R.A.S.Senthilvel, learned Special Government Pleader accepting
<https://hcservices.ecourts.gov.in/hcservices/>

notice on behalf of the 1st respondent ; and Mr.V.Anandamoorthy, learned Standing Counsel accepting notice on behalf of the respondents 2 to 4 and with the consent on either side, the writ petition is taken up for final disposal.

2 The petitioner's case is that he is running a Browsing Centre in shop No.25, Thirumanglam Shopping Complex, Tamil Nadu Housing Board, for the past six years and that the Executive Engineer and Administrative Officer, Anna Nagar Division, Tamil Nadu Housing Board, Chennai-101, vide notification dated 13.12.2015 in one of the leading vernacular newspapers, viz., Dinamani, called for applications from the public for allotment of shop on rental basis at Shop No.18, in the very same shopping complex, for the Sealed Tender - cum - open auction to be conducted on 22.12.2015. The petitioner also participated in the said tender by forwarding appropriate application along with necessary fee and he being the highest bidder, has also deposited a sum of Rs.3500/- towards initial deposit for allotment to TNHB. Despite the same, the petitioner did not receive any Allotment Order in respect of Shop No.18. Hence, the petitioner filed WP.No.14140/2016 before this Court and vide order dated 09.07.2016, this Court disposed of the said writ petition by directing the 4th respondent therein to consider the petitioner's representation dated 29.03.2016 with regard to allotment of shop No.18 after affording an opportunity of personal hearing to the petitioner. In pursuance of the same, the petitioner submitted a representation to TNHB and contrary to the direction of this Court, the 4th respondent vide impugned order dated 20.09.2016 had informed the petitioner that his claim in respect of the allotment of shop No.18 has been rejected in view of the very cancellation of the auction conducted on 22.12.2015 by the Housing Board's Policy decision. Challenging the same, the petitioner has come up with the present writ petition.

3 The learned counsel for the petitioner would submit that the impugned order has been passed without assigning any valid reason and the same is in violation of principles of natural justice.

4 The learned Standing counsel appearing for the respondents 2 to 4 would submit that the petitioner has already been allotted two shops towards which, arrears are pending and the proceedings initiated regarding the same, is also pending as against the petitioner. It is the further submission of the learned Standing Counsel that the very auction itself has been withdrawn as a result of the policy decision and that the Board is likely to call for a fresh auction.

5 As evidenced from the Terms and Condition of Sale annexed along with the application submitted by the petitioner, [page No.6 of the typed set of papers], as per Clause 11, it is specifically stated that "The Auction sale Confirmation Committee of the Board reserves the rights to confirm or to reject the auction sale without assigning

any reason therefore.". Hence, the contention of the petitioner that no valid reasons have been assigned by the 4th respondent in cancelling the entire auction, cannot be accepted. However, if the Tamil Nadu Housing Board calls for any auction in the near future, the petitioner is at liberty to participate in the said auction, if he is otherwise qualified.

6 The writ petition is dismissed with the above observations. No costs. Consequently, the connected miscellaneous petition is also dismissed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

AP

To

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+ 1 cc M/S.V.ANANDHA MOORTHY, ADVOCATE SR.NO. 58336
+1 CC M/S.A.R.NIXON ADVOCATE SR.NO. 58716
+1 Government Pleader SR.NO. 58533

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RD 04/11/2016

WP.No.36046/2016