



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

CORAM:

THE HONOURABLE **MR. JUSTICE M.M.SUNDRESH**

AND

THE HONOURABLE **MR. JUSTICE N.SATHISH KUMAR**

W.A. (MD).No.690 of 2017 & against W.P.No.4947 of 2017

C.M.P. (MD).No.5398 and 5399 of 2017

1.K.Lakshmipathy (died)

2.Uma Maheshwari

3.Yamini (Minor)

...Appellants/ Petitioners

(3<sup>rd</sup> appellant minor is represented by natural guardian second appellant)

(2<sup>nd</sup> and 3<sup>rd</sup> appellants are impleaded vide Court order dated 26.07.2017, made in CMP(MD).No.6866 of 2017 )

Vs.

1.State of Tamil Nadu,

Rep. by its Secretary to Government,  
Housing and Urban Development Department,  
Fort St. George,  
Chennai - 600 009.

2.Auction Sale Confirmation Committee,

Rep. by its Chairman and Managing Director,  
Tamil Nadu Housing Board,  
Nandanam,  
Chennai - 600 035.

3.The Executive Engineer & Admn. Officer,

Madurai Housing Unit,  
Tamil Nadu Housing Board,  
Ellis Nagar,  
Madurai 625 016.

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent the order passed in W.P.No.4947 of 2007, dated 01.03.2013.

**Prayer in WP(MD). 4947/ 2007 :**

Writ Petition filed under Article 226 of the Constitution of India, the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection in Letter No. MH 24/MDU-160/07 dated 13/04/2007 on the file of the 3rd respondent quash the same and direct the to confirm the sale of the commercial site Code No. MDU-160 in favour of the petitioner in pursuance of sealed tender cum open auction dated



07/02/2007 after following the procedure laid down under law and pass such further or other orders and thus render justice.

For Appellants : Mr.P.M.Vishnuvarthanan  
for Mr.R.Ramasamy  
For Respondents :Mr.M.Murugan for R1  
Government Advocate  
Mr.S.Nagarajan for R2 and R3

### JUDGMENT

[Judgment of the Court was delivered by **M.M. SUNDRESH, J**]

This appeal is preferred against the order of the learned Single Judge, who after considering the relevant materials dismissed the writ petition filed after finding that the decision made by the respondent union is just and proper.

2. Advertisement has been made inviting persons to participate in a tender for the sale of vacant sites. For one commercial site, the bid amount quoted by the appellant is the highest and there was no other bidder except him. However, his offer was not accepted by the Sale Confirmation Committee. Challenging the same, the present proceedings had been initiated.

3. The learned counsel appearing for the appellant would submit that there is arbitrariness in the auction adopted by the respondents. Such contention cannot be countenanced. The appellant does not have a vested right. The tender is only an offer. The advertisement made is an intimation to offer. Therefore unless and until such an offer made is fully accepted, there is no concluded contract. Therefore, at this stage the appellant cannot be termed as a person aggrieved having any legal right.

4. Admittedly the appellant alone is the only tenderer. The tender notification also clearly speaks with specific reference to clause 11) that the auction sale confirmation committee of the Board reserves the rights to confirm or reject the auction sale without assigning any reasons therefor. There is no contra material to hold that the offer made by the appellant was rejected for extraneous reasons. After all the respondents are the best persons to decide on the sufficiency of the offer made.

5. In such view of the matter, we do not find any error in the order passed in the writ petition. The writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(AD-II)



To

1.The Secretary to Government,State of Tamil Nadu,  
Housing and Urban Development Department,  
Fort St. George, Chennai - 600 009.

2.The Chairman and Managing Director,  
Auction Sale Confirmation Committee,  
Tamil Nadu Housing Board,  
Nandanam, Chennai - 600 035.

3.The Executive Engineer & Admn. Officer,  
Madurai Housing Unit,  
Tamil Nadu Housing Board,  
Ellis Nagar, Madurai 625 016.

jikr

MAS/SV-MMS/SAR2:26.09.2017:3P-4C

Judgment made in  
W.A. (MD) .No.690 of 2017 &  
C.M.P. (MD) .No.5398 and 5399 of 2017  
05.09.2017