



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A(MD)No.12 of 2018

and

C.M.P(MD)Nos.118 and 119 of 2018

G.Raghuraman

.. Appellant/
Petitioner

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 and
Administrative Officer,
Madurai Housing Unit,
TamilNadu Housing Board,
Ellis Nagar, Madurai - 625 016.

.. Respondents/
Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order, dated 01.03.2013, made in W.P(MD)No.4946 of 2007 on the file of this Court .

Prayer in WP(MD). 4946/ 2007 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection in Letter No. MH 15/MDU-224/07, 160/07, dated 13/04/2007 on the file of the 3rd respondent quash the same and direct to confirm the sale of the commercial site Code No. MDU-224, 223 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.

For Appellant

: Mr.P.M.Vishnuvarthanan

For Respondents

: Mr.A.Muthukaruppan,
Additional Government Pleader.

J U D G M E N T

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

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By consent, this writ appeal is taken up for final disposal.

2.Mr.P.M.Vishnuvarthanan, learned counsel, appears on behalf of the appellant and Mr.A.Muthukaruppan, learned Additional Government Pleader, appears on behalf of the respondents.

3.The appellant herein as petitioner, filed W.P(MD)No.4946 of 2007, praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the order of rejection, dated 13.04.2007, passed by the third respondent and quash the same with the further direction to continue the sale of the commercial file code in their favour in pursuant to the sealed tender cum open action, after following the due process of law.

4.Apart from the appellant / writ petitioner, seven other persons also made a similar challenge by filing W.P.(MD)Nos.4945 and 4947 to 4952 of 2007. All the writ petitions were dismissed, by a common order, dated 01.03.2013. It is brought to the knowledge of this Court that the legal representatives of the petitioner in W.P (MD)No.4947 of 2007, had filed W.A(MD)No.690 of 2017, and it was dismissed on 05.09.2017 and it is relevant to extract paragraph No.4 of the said Judgment and the same reads as follows:

"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.Since the appellant herein is also similarly placed like that of the legal representatives of the petitioner in W.P(MD) No.4947 of 2007, who had preferred W.A(MD)No.690 of 2017, this Court is of the considered view that the writ appeal deserves dismissal. Accordingly, this writ appeal is dismissed, confirming the order, dated 01.03.2013, made in W.P(MD)No.4946 of 2017. However, in the circumstances of the case, there shall be no order as to cost. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(CSI)



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- 1.The Secretary to Government,
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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 and Administrative Officer,
Madurai Housing Unit, TamilNadu Housing Board,
Ellis Nagar, Madurai- 625 016.

+One cc to Mr.R.Janarthanam, Advocate, SR.No.44215

pnn/smn

RL/5C/3P/KKR/SAR4/12/2/2018

JUDGMENT MADE IN
W.A(MD)No.12 of 2018
and
C.M.P(MD)Nos.118 and 119 of 2018

25.01.2018