

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5740 of 2019
and
WMP.No.6550 of 2019

T.Namachivayam

...Petitioner

Vs.

1.The Collector
Cuddalore District.

2.The District Revenue Officer
Cuddalore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na.Ka.No.C3/26390/2012 dated 29.01.2019 and quash the same and consequently, direct the 2nd respondent to consider the petitioner's representations dated 12.10.2018, 28.01.2019 and 05.02.2019 to accept the petitioner's offer and execute the sale deed in respect of Nanjai Survey Nos.233/6B2 an extent of 0.02.0 hectares, 233/6B3 an extent of 0.02.0 hectares, 233/6B4 an extent of 0.02.0 and 233/6C an extent of 0.11.5 hectares with total extent of 0.17.5 hectares equivalent to 18837 sq.ft at Gangaikondan Village, Vrithachalam Taluk, Cuddalore District.

For Petitioner : Mr.G.Suriya Narayanan

For Respondents: Mr.E.Balamurugan
Special Government Pleader

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O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the proceeding dated 29.01.2019, wherein and whereby, his request for accepting the offered amount of Rs.45,76,928/- towards the cost of the subject matter property in pursuant to the auction conducted on 10.08.2018, was rejected.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

4. It seems that the petitioner participated in the auction conducted on 10.08.2018 and offered to purchase the subject matter property for a sum of Rs.46,01,928/-. However, as per the terms and conditions of the auction, the petitioner failed to pay 25% of the offered amount within the time stipulated. Consequently, the said auction was cancelled on 21.08.2018. The petitioner without challenging the cancellation, has approached this Court and filed a writ petition in WP.No.22902 of 2018 seeking for mandamus directing the respondents to accept the balance sale consideration and execute the sale deed in respect of the subject matter property. The said writ petition was disposed of on 23.10.2018 with a direction to the respondents to consider the representation submitted by the petitioner and if the same is not feasible, also by granting liberty to the respondents to go for a fresh auction, in which, the petitioner also can participate. Thereafter, based on the order passed by this Court, the present impugned communication was issued to the petitioner informing that since the auction was already cancelled, his request for accepting the offer cannot be accepted. Apart from saying so, the second respondent also informed the reason for cancellation viz., the petitioner's failure to pay 25% of the offered amount within the time stipulated.

5. However, it is stated by the learned counsel for the petitioner that the cancellation order was never communicated to the petitioner. This Court finds that once the auction was cancelled for the reason stated in the impugned order and when the petitioner is not prevented from taking part in the subsequent fresh auction, I do not think that the petitioner is having any vested right to seek for accepting his offer only instead of fresh auction.

6. When such being the factual position, I do not think that the petitioner is justified in questioning the impugned order, especially, when he is allowed to participate in the fresh auction as observed by this Court in the earlier order passed in WP.No.22902 of 2018 dated 23.10.2018. Therefore, this Court finds no reason to entertain this writ petition. Accordingly, this writ petition is dismissed, however, by granting liberty

to the petitioner to participate in the fresh auction as has been observed in the earlier order passed by this Court in WP.No.22902 of 2018 dated 23.10.2018. No costs. Consequently, connected miscellaneous petition is closed.

mk

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

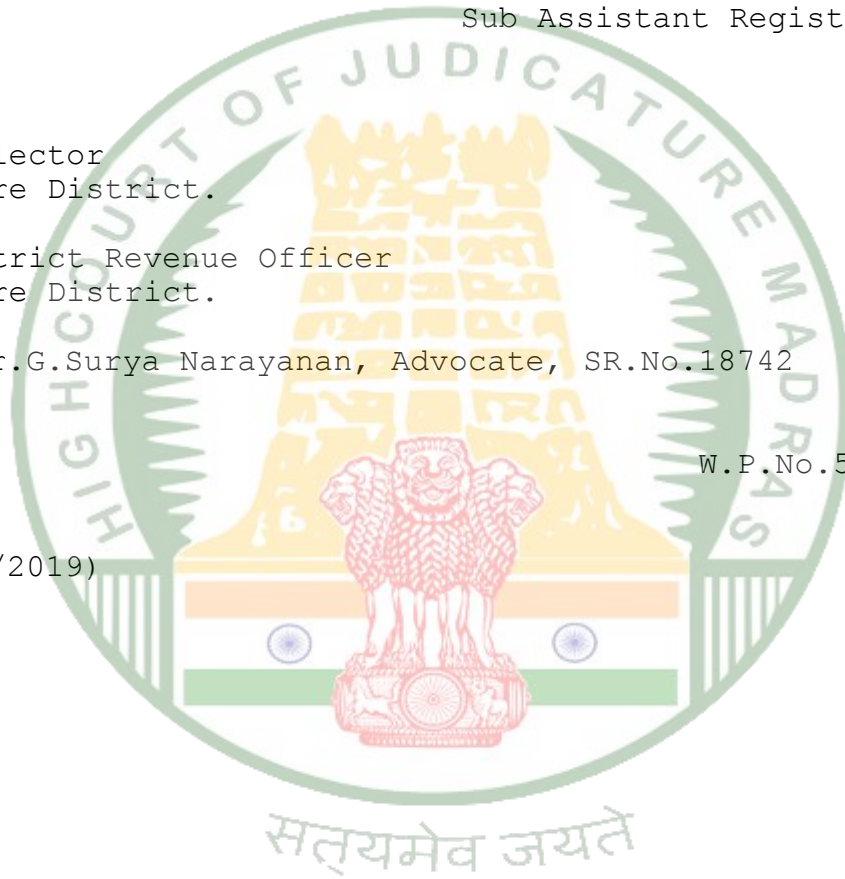
1.The Collector
Cuddalore District.

2.The District Revenue Officer
Cuddalore District.

+1cc to Mr.G.Surya Narayanan, Advocate, SR.No.18742

W.P.No.5740 of 2019

Kak(04/04/2019)



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