



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.23947 of 2019

and

W.M.P. (MD) .No.20558 of 2019

WEB COPY

Thanjavur New Bus Stand AG Church
Through Rev.M.John Raj
3777, HIG New Housing Unit (Mullai)
(Opposite to JRK School)
New Bus Stand,
Thanjavur-5.

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Nandhanam,
Chennai.

2.The Secretary,
Tamil Nadu Housing Board,
Nandhanam,
Chennai.

3.The Executive Engineer & Administration Officer,
Tamil Nadu Housing Board,
New Housing Unit,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned cancellation notice published in Dinamalar Tamil Daily dated 08.03.2019 on the file of the 3rd respondent and consequent impugned auction sale notice published in Dhinathanthi Tamil Daily dated 27.10.2019 on the file of the 3rd respondent and quash the same as illegal and consequently direct the respondents to restore the earlier allotment order vide proceedings in letter No.R7/2024/2016 dated 23.05.2017 on the file of the 3rd respondent based on the petitioner's representation given to the respondents dated 04.10.2019 and 16.10.2019.

For Petitioner : Mr.I.Sam Jegan

For Respondents : Mr.M.Rajarajan

Government Advocate for RR-1 & 2
Mr.K.Rajesh Kumar, Standing Counsel for R-3



O R D E R

Mr.M.Rajarajan, learned Government Advocate takes notice on behalf of the respondents 1 & 2 and Mr.K.Rajesh Kumar, learned Standing Counsel takes notice on behalf of the 3rd respondent.

2.This writ petition has been filed, challenging the impugned cancellation notice published in Dinamalar Tamil Daily dated 08.03.2019 on the file of the 3rd respondent and consequent impugned auction sale notice published in Dhinathanthi Tamil Daily dated 27.10.2019 on the file of the 3rd respondent and quash the same as illegal and consequently to direct the respondents to restore the earlier allotment order vide proceedings in letter No.R7/2024/2016 dated 23.05.2017 on the file of the 3rd respondent, based on the petitioner's representation given to the respondents dated 04.10.2019 and 16.10.2019.

3.According to the petitioner, he was a successful bidder in the previous tender, but he has failed to deposit the bid amount, as per the conditions imposed in the tender. Therefore, the bid was cancelled on 08.03.2019. Thereafter, the respondents have issued a fresh tender notification on 27.10.2019. Aggrieved over the fresh tender notification, the petitioner is before this Court.

4.Admittedly, the petitioner has failed to deposit the bid amount, as per the tender conditions and the bid was cancelled as early as March 2019. Without taking any action for the past 8 months, the petitioner now seeks an interim order injuncting the respondents to conduct the tender.

5.Considering the factual circumstances, I do not find any infirmity in the action of the respondents and only because of the default committed by the petitioner, the subsequent tender has been floated. Therefore, tender process issued by the respondent does not warrant any interference. However, it is open to the petitioner, if he is otherwise eligible to participate in the tender process to be held on 26.11.2019 and approach the respondents for the purpose of adjusting the amount already deposited by him, if it is not forfeited by him.

6.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



1.The Managing Director,
Tamil Nadu Housing Board,
Nandhanam,
Chennai.

2.The Secretary,
Tamil Nadu Housing Board,
Nandhanam,
Chennai.

3.The Executive Engineer & Administration Officer,
Tamil Nadu Housing Board,
New Housing Unit,
Thanjavur.

+1 CC to M/s.K. RAJESH KUMAR, Advocate (SR-98037[F] dated
13/11/2019)

+1 CC to M/s.I.SAM JEGAN, Advocate (SR-98298[F] dated 14/11/2019)

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