

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. Nos.8608, 8611, 8615 & 8616 of 2021 and
W.M.P. Nos.9158, 9160, 9161 & 9163 of 2021

D.Rajendran .. Petitioner in W.P. Nos.8608
& 8611/2021
D.Soundarrajan .. Petitioner in W.P. No.8615/2021
A.Mahalingam .. Petitioner in W.P. No.8616/2021

Vs.

1.State of Tamil Nadu rep. by its
Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai - 600 009

2.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai - 600 035

3.The Executive Engineer & Administrative
Officer
Anna Nagar Division
Tamil Nadu Housing Board
Thirumangalam, Chennai - 600 101

4.The Manager
Sales and Service
Anna Nagar Division
Tamil Nadu Housing Board
Thirumangalam,
Chennai - 600 101

.. Respondents in all the WPs

Prayer in all the WPs: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the order of rejection passed in Aluval Sara No.A.Na.Ko.II 3/20726/1992 dated 23.02.2021 on the file of the 4th respondent, quash the same and direct the respondents to confirm the bid of the petitioner in respect of Site Nos.2/519, 2/522, 2/523 & 2/521 of Phase II, Kodungaiyur and make allotment in favour of the petitioner after receiving entire payment in accordance with law.

For Petitioner : Mr.V.Elangovan
For Respondents : Mr.K.Parameswaran
Government Advocate for R1
Mr.R.Bharathkumar for R2 to R4

COMMON ORDER

These writ petitions are for a Writ of Certiorari Mandamus calling for the records relating to the order of rejection passed in Aluval Sara No.A.Na.Ko.II 3/20726/1992 dated 23.02.2021 on the file of the 4th respondent, quash the same and direct the respondents to confirm the bid of the petitioners in respect of Site Nos.2/519, 2/522, 2/523 & 2/521 of Phase II, Kodungaiyur and make allotment in favour of the petitioners after receiving the entire payment in accordance with law.

2. Heard both sides and perused the materials available on record.

3. The petitioners, had participated in the public auction notification issued by the third respondent on 12.08.2018 and the auction held on 04.09.2018 for the sale of vacant sites on outright purchase basis, emerged as successful bidders. In the open auction also, the petitioners had participated and emerged as successful bidders. However, on 11.06.2019, bids of the petitioners were rejected without any notice or any enquiry and returned the original payment receipts to them.

4. According to the petitioners, once again re-tender was called for, for the very same site on 12.01.2020 for an enhanced price, wherein also, the petitioners had participated in the public auction held on 12.01.2021. The petitioners have made their bids for Rs.16,30,000/- Rs.12,60,000/-, Rs.12,60,000/- and Rs.11,00,000/- respectively for their sites. Once again, the third respondent accepted the offers of the petitioners, as they were the highest bidders and directed the petitioners to pay the additional amount equivalent to 25% of the bid amount. Thus the said amounts were also paid to the third respondent. While so, without assigning any reasons, the impugned order was passed rejecting the public auction itself on 23.02.2021. Aggrieved by the same, the petitioners have preferred an appeal before the first respondent on 16.03.2021, which is said to be pending. In the meanwhile, the petitioners have come to this court, challenging the very same cancellation order.

5. As rightly, the petitioners have preferred an appeal before the Appellate Authority, they have to canvass all their points only before the Appellate Authority and this court cannot entertain the same.

6. In view of the above, the appellate authority, namely the first respondent, is directed to consider the appeal filed by the petitioners dated 16.03.2021, within a period of four weeks from the date of receipt of a copy of this order, after affording the petitioners an opportunity of personal or virtual hearing and pass appropriate orders on merits.

7. It is not out of place to mention here that the act of the second respondent in issuing notification for public auction for vacant sites and for no reason cancelling the same, would only bring disrepute to the Board. Hence, when dealing with the public auction, the second respondent has to take utmost care before issuing a notification and cancelling the same, arbitrarily without assigning any reason.

8. With the above directions, all the writ petitions are disposed of. However, there is no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Asr

To

- 1.The Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai - 600 009
- 2.The Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai - 600 035
- 3.The Executive Engineer & Administrative
Officer, Anna Nagar Division
Tamil Nadu Housing Board, Thirumangalam, Chennai - 600 101
- 4.The Manager
Sales and Service, Anna Nagar Division
Tamil Nadu Housing Board, Thirumangalam, Chennai - 600 101

+4ccs to Mr.S.Doraisamy, Advocate SR.No. 24844, 24845,
24846, 24847

+4ccs to Mr.R.Bharathkumar , Advocate SR.No. 24967, 24966,
24967, 24968

+1 cc to Government Pleader Sr.No. 24708

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