



W.P(MD)No.3516 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3516 of 2012

and

M.P(MD)Nos.1,2 and 3 of 2012

N.R.R.Gopi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai-600 009.
- 2.The Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandhanam,
Chennai-600 035.
- 3.Auction Sale Confirmation Committee,
Represented by its Chairman and Managing Director,
Tamil Nadu Housing Board,
Nandhanam,
Chennai-600 035.
- 4.The Executive Engineer & Admn. Officer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Ellis Nagar,
Madurai-625 016.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings No.Allot. Co.or./58678/11 dated 25.11.11 of the third respondent and quash the same in so far as rejection of sale with respect to Sl.No.31 is concerned, consequently direct the third respondent to confirm the sale in favour of the petitioner with respect to the service industrial site No.48/2 measuring an extent of 2368 sq.ft. comprised in S.No.198 of Anuppanadi Village, Madurai District on the basis of the offer made by the writ petitioner in pursuance of the auction conducted on 16.09.2011 with respect to the subject property by the fourth respondent.

For Petitioner : M/s.J.Bala Meenakshi
for Mr.Pala Ramasamy
For Respondents : Mr.S.Shanmuga Vel
Additional Government Pleader
for R1
Mr.R.Siva Kumar
Standing Counsel
for R2 to R4

ORDER

The present writ petition has been filed challenging an order passed by the Tamil Nadu Housing Board, under which the offer of the writ petitioner for purchasing a commercial plot from the Tamil Nadu Housing Board has been rejected by the Sale Confirmation Committee.



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2. Admittedly, the writ petitioner is the highest bidder for a commercial plot, for which an advertisement was made by the Tamil Nadu Housing Board. However, the Sale Confirmation Committee of Tamil Nadu Housing Board has rejected the offer on the ground that it is not competitive and it felt that true market rate is not reflected. The Committee further held that there is cartelization among the auctioneers. Based upon the said findings, the Sale Confirmation Committee has rejected the offer of the writ petitioner. The said order is under challenge in the writ petition.

3. The learned counsel for the petitioner had contended that the offer made by the writ petitioner is the highest one and there is no reason, whatsoever to reject the same by the Sale Confirmation Committee.

4. Per contra, the learned counsel for the respondent has contended that the Sale Confirmation Committee of the Tamil Nadu Housing Board is fully empowered to decide whether a particular rate is in consonance with the market rate and whether there was any cartelization among the



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bidders. The learned standing counsel appearing for the Housing Board relied upon a Division Bench of Madras High Court in *W.A.No.17 of 2013*, dated 30.11.2017 (*A.N.Shanmugam Vs. The Secretary, Housing and Urban Development Department and others*). In paragraph 5 of the said judgment, the Division Bench of Madras High Court has held that there is no concluded contract between the highest bidder and the Housing Board until the offer is accepted by the Sale Confirmation Committee. The Division Bench has further held that the Auction Committee took a conscious decision in the interest of the Housing Board, not to accept the bid. In the present case also, the Sale Confirmation Committee has felt that there was a cartelization among the bidders and the rate offered by the writ petitioner was not in consonance with the prevailing market rate at that point of time. Since the decision has been taken by the Sale Confirmation Committee in the interest of the Housing Board, this Court finds no justification to entertain such a writ petition.



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5. In view of the above said observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

30.06.2022

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Index : Yes / No
Internet : Yes / No

To

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



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.3516 of 2012

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