



W.P.(MD)No.5452 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5452 of 2020

and

W.M.P.(MD)Nos.4757 & 4758 of 2020

Thanjavur New Bus Stand AG Church
Through Rev.M.John Raj,
377, 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 Office,r
Tamil Nadu Housing Board,
New Housing Unit,
Thanjavur.

... Respondents



W.P.(MD)No.5452 of 2020

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Tender cum Open Auction Sale Notice, dated 27.02.2020 bearing No.Nil Published in “The Hindu” English Daily for the auction sale scheduled to be held on 26.03.2020 on the file of the third respondent and quash the same as illegal and consequently, direct the respondents to allot the Church site having extent of 9939 sq.ft. Situated in Plot No.TJ02 in New Housing Unit, Thanjavur to the petitioner by adjusting the petitioner's land deposit of a sum of Rs.1,27,87,500/- (Rupees One Crore and Twenty Seven Lakh and Eighty Seven Thousands and Five Hundred).

For Petitioner : Mr.Selvin Rajesh
for Mr.L.Sam Jegan
For Respondents : Mr.M.Suresh
Standing Counsel

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent Housing Board.

2. The respondent Board promoted a housing layout in Thanjavur. The respondent had earmarked the petition mentioned site to be allotted for religious purposes (Church). Pursuant to the notification issued by



W.P.(MD)No.5452 of 2020

the respondents on 21.03.2017, the petitioner offered their bid for a sum of Rs.1,85,50,000/- The upset price was only Rs.1,78,91,000/-. The petitioner was declared as successful bidder. Proceedings dated 23.05.2017 was issued to that effect. The petitioner however could not pay the entire amount within the stipulated time. They had paid only a sum of Rs.1,27,87,500/-. As a result, the allotment issued in favour of the petitioner stood cancelled. The respondent Board called for tenders for second time. Again, the petitioner's bid was found to be highest. But the offer of the petitioner was only to the tune of Rs.1,50,00,000/-. Since the petitioner's offer made on the second occasion was lesser compared to the offer made on the first occasion, their bid was rejected vide proceedings dated 25.02.2020. The respondents proposed to hold fresh auction on 26.03.2020. Challenging the same, this Writ Petition came to be filed.

3. The respondent Housing Board had filed a detailed counter affidavit. It is pointed out that the cancellation of the petitioner's allotment made on the first occasion was fully justified because the petitioner failed to comply with the tender conditions. The petitioner



W.P.(MD)No.5452 of 2020

also did not challenge the cancellation order. The Housing Board was justified in rejecting the petitioner's bid on the second occasion for the simple reason that acceptance of the same would have resulted in huge loss of revenue for the Board. The learned Standing Counsel took me through the contents of the counter affidavit and called upon this Court to dismiss the writ petition.

4. I carefully considered the rival contentions and went through the materials on record. I wanted to know if the petitioner would be willing to match their original offer made on the first occasion. The case was adjourned to enable the petitioner's counsel to get instructions.

5. When the matter was taken up on the last occasion, the petitioner filed an affidavit stating that they would make a further payment of Rs.57,62,500/- It is to be noted that the petitioner's remittance of Rs.1,27,87,500/- is still with the housing board. Admittedly, the site in question has been earmarked only for religious purposes. The housing board had already earmarked sites for other religions. Therefore, this site cannot be reclassified or put to any other



W.P.(MD)No.5452 of 2020

WEB COPY

use. It is seen that even though the tenders were called for on more than two occasions, it did not elicit any response from any other Church denominations. The petitioner has also shown their bonafides by offering to remit a further sum of Rs.57,62,500/-

6. In view of the petitioner's offer to pay a further sum of Rs.57,62,500/-, the impugned notification deserves to be quashed and the allotment made in favour of the petitioner. Accordingly, the impugned notification stands quashed. The respondent is directed to allot the petition mentioned site in favour of the petitioner if the petitioner remits the balance amount of Rs.57,62,500/- . If the petitioner fails to remit the balance amount of Rs.57,62,500/- within a period of two months from the date of receipt of a copy of this order, this order would stand recalled and the writ petition would stand dismissed. Of-course, in that event, the respondents will have to refund the amount already remitted by the petitioner subject to forfeiture norms.



W.P.(MD)No.5452 of 2020

G.R.SWAMINATHAN,J.

rmi

7. The Writ Petition is allowed. No costs. Consequently,
connected miscellaneous petitions are closed.

30.06.2022

Index : Yes / No
Internet : Yes/ No
rmi

W.P.(MD)No.5452 of 2020
and

W.M.P.(MD)Nos.4757 & 4758 of 2020

30.06.2022