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A.No.5220 of 2023
IN
O.A.No.225 of 2023

R. MAHADEVAN, J.

This application is taken out by the applicant / 3rd party to implead himself as party respondent to the application in O.A.No.225 of 2023.

2.The aforesaid application in O.A.No.225 of 2023 in A.Nos.943 and 944 of 2023 has been filed by one M/s.Everwin Educational and Charitable Trust, which was the highest bidder in the public auction conducted by the Administrator General and Official Trustee (in short, “the AG&OT”) in respect of the property in Ayanambakkam under serial no.33, for Rs.4,40,00,000/- as the lease amount per annum. The relief sought in the said application is to grant an order of interim injunction restraining the AG&OT from opening the tender and granting lease to the intending bidder till the disposal of the applications in A.Nos.4422 and 4423 of 2022.

3.According to the learned counsel for the applicant herein, the applicant has been declared as the highest and successful bidder in the auction held on 27.03.2023 in respect of the property at Sl.No.59 for a sum of Rs.1,75,10,000/- and he has already paid a sum of Rs.60,00,000/- towards EMD. Further, the applicant through letter dated 31.03.2023, has expressed his willingness and readiness to remit the balance amount, in compliance with the terms and conditions of the tender. While so, the applicant came to know that the confirmation of lease in his favour, is delayed in view of the pendency of the application in OA.No.225 of 2023 filed by the said Everwin Educational and



Charitable Trust. The AG&OT filed his counter in the said application, stating that the applicant therein was directed to pay Rs.13,20,00,000/- less the amount already paid on or before 28.09.2022, they neither deposited the balance amount nor came forward to execute the agreement, which resulted in the forfeiture of the amount deposited on 29.09.2022. However, the applicant herein who is the necessary and proper party, may be added as a respondent to the said application, for effective adjudication.

4.We have also heard the learned counsel for the first respondent and the AG&OT and they have no objection for impleading the applicant as party respondent to the application.

5.It is also important to note that this court, in its earlier order dated 29.03.2023 in OA.No.225 of 2023, after having pointed out that the auction has been finalised on 27.03.2023 and a successful bidder is waiting for the order of this court to remit the amount, has opined that the successful bidder may be made as a party respondent in the application, in order to ascertain whether the successful bidder is willing to comply with the terms and conditions of the tender or not; and accordingly, directed the AG&OT to forthwith furnish the details of the successful bidder to the applicant, so as to implead him as party respondent to the application.

6.In view of the above, this application is ordered as prayed for.

7.Registry is directed to carry out the necessary amendment in the



application in OA.No.225 of 2023 and post the same for hearing on 10.11.2023.

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