



W.P.(MD)No.20801 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20801 of 2021

and

W.M.P.(MD)Nos.17417 of 2021 and 22562 of 2022

V.Mathanagopal

... Petitioner

-VS-

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Deputy Registrar (Housing),
Office of the Deputy Registrar,
Thanjavur. Thanjavur District.

3.The Secretary,
T.1072, The Rajarajan Co-Operative Housing
Society Ltd.,
No.53, Yamunai Street,
Yagappa Nagar,
Thanjavur - 613 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned e-tender notice issued by the respondents 2 and 3 by their proceedings in Specification No.TNJ/2/RRCHS/DTNHS/3254/2021, dated nil, with respect



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to the properties bearing Plot No.18, situated in Danial Thomas Nagar (Near Old Vallam Road), Ward No.4, Block No.61 (Old T.S.No.3105, New T.S.No. 8), Thanjavur - 613 007 and quash the same as illegal.

For Petitioner : Mr.K.Mahendran
For R1 and R2 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R3 : Mr.V.K.Vijayaragavan

ORDER

This Writ Petition has been filed challenging the impugned e-Tender notice issued by the respondents 2 and 3 with respect to the subject property.

2. The case of the petitioner is that the third respondent Society was formed in the year 1947 with a view to develop and sell house sites on hire purchase basis. The Members of the Society are entitled to allotment of Plots and the third respondent Board had fixed the rate at Rs.21/- per cent. The Members applied for the housing loan with the third respondent Society. The petitioner's father also applied for the said allotment and Site No.18-A in Layout - III was allotted on 21.03.1960. The installment amount was also paid regularly. The father of the petitioner died on 10.11.1981. The third



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respondent failed to provide basic amenities and there was not even a road that was available to approach the layout. Hence, repeated representations were made for providing basic amenities.

3. The further case of the petitioner is that the entire amount was received by the third respondent Society and even the basic amenities were not provided and whereas, the third respondent proceeded to cancel the allotment order through letter, dated 26.02.1988, on the ground that the conditions are not fulfilled by the petitioner. On receipt of this letter, the petitioner also issued a legal notice by stating that the said cancellation is unsustainable and that there was absolutely no violation of any condition that was prescribed at the time of allotment. On receipt of the notice, no further action was taken on the side of the third respondent.

4. The grievance of the petitioner is that the third respondent all of a sudden, issued the impugned tender notice, which has been put to challenge in this Writ Petition.



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5. Heard the learned counsel appearing on behalf of the petitioner, the learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 and the learned counsel appearing on behalf of the third respondent.

6. In the considered view of this Court, the relief as sought for by the petitioner cannot be sustained. The allotment that was made in the name of the father of the petitioner was cancelled by the third respondent as early as on 26.02.1988. The petitioner was aware about the same and in fact, even a legal notice was issued after the cancellation letter was served on the petitioner. However, the petitioner never took any steps to challenge the cancellation of allotment that was done through letter, dated 26.02.1988. The petitioner in the present Writ Petition, merely challenges the subsequent tender notice that was issued. The issuance of tender is a consequential action pursuant to the cancellation of allotment. If the cancellation of allotment has not been challenged by the petitioner for more than 35 years, the consequential action can never be put to challenge.



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7. In the light of the above discussion, this Court does not find any merits in this Writ Petition. Accordingly, this Writ Petition stands dismissed.

No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
smn2

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To

- 1.The District Collector,
Thanjavur District, Thanjavur.
- 2.The Deputy Registrar (Housing),
Office of the Deputy Registrar,
Thanjavur. Thanjavur District.



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N.ANAND VENKATESH, J.

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