



WEB COPY



W.P.No.22582 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.22582 of 2024
and W.M.P.No.24606 of 2024**

Durai Diviyananthan
Petitioner

...

Vs.

1. The Government of Tamil Nadu,
Represented by the Additional Secretary to the Government,
Housing and Urban Development Department,
Fort St.George, Madras-9.

2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Trichy Housing Unit,
TNHB Office Complex, K.K.Nagar,
Tiruchirappalli-620 021.

3.The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, EMC Market Salai,
Koyambedu, Chennai-600 107.

...

Respondents



W.P.No.22582 of 2024

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in Letter No.R1/6594/1993 dated 15.05.2024, proposing to conduct fresh auction proceedings and quash the same as illegal, irregular and without jurisdiction and to further direct the respondents to confirm the auction sale of the year 2001 and hand over the possession of the property situated at Rajagopalapuram Housing Unit Phase-II School Site Pudukottai, measuring 27.27 grounds.

For Petitioner : Mr.Avinash Wadhwani

For Respondents : Mr.D.Veerasekaran
Standing Counsel for
TNHB for R2 and R3
Mr.Yogesh Kannadasan
Special Government Pleader for R1

ORDER

This Writ Petition has been filed challenging the letter No.R1/6594/1993 dated 15.05.2024 issued by the second respondent, proposing to conduct fresh auction and for a consequential direction to the respondents to confirm the auction sale of the year 2001 and hand over the possession of the property situated at Rajagopalapuram Housing Unit Phase-



W.P.No.22582 of 2024

II School Site Pudukottai, measuring 27.27 grounds.

WEB COPY

2. The learned counsel appearing for the petitioner submits that the auction was conducted on 20.08.2001 by the Tamil Nadu Housing Board for the sale of 27.7 grounds situated at Rajagopalapuram Housing Unit Phase-II, School Site, Pudukottai, and the petitioner has participated in the auction and he was declared as successful bidder and the auction was confirmed in his favour, pursuant to which, he has paid a sum of Rs.7,07,500/- as earnest money, however, there was no response from the Tamil Nadu Housing Board regarding confirmation of sale. Therefore, the petitioner made a representation on 19.06.2003 for issuance of confirmation of sale and thereafter, on 07.11.2003, he made another representation to the third respondent requesting either to confirm the sale or refund the amount paid by the petitioner along with interest. On 05.12.2003, the Additional Secretary to the Government, Housing and Urban Development Department Secretariat, issued an order stating that the third respondent has failed to conduct auction in accordance with the Rules and the petitioner did not meet



W.P.No.22582 of 2024

WEB COPY

out the requisite bid qualification requirements. Aggrieved over the same, the petitioner has filed W.P.No.20520 of 2004 before this Court and this Court, vide order dated 23.12.2005, has allowed the writ petition and set aside the said order and directed the first respondent to issue a notice to the writ petitioner as to why his bid shall not be canceled and re-tender be started on any stated ground available to it and any appropriate order was directed to be passed in accordance with law, after hearing the petitioner. While so, the second respondent issued the impugned order dated 15.05.2024, stating that this Court has dismissed the writ petition preferred by the petitioner against the cancellation of allotment of School site No.TR022 measuring 27.27 grounds and a fresh e-auction will be conducted, in which, the petitioner is at liberty to participate. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that it would suffice, if this Court directs the respondents to repay the Earnest Money Deposit made by the petitioner with reasonable interest or confirm



W.P.No.22582 of 2024

the auction in favour of the petitioner.

WEB COPY

4. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3.

5. Taking into consideration the facts and circumstances of the case and the fact that the auction was conducted in the year 2001 and the petitioner has deposited a sum of Rs.7,07,500/- as earnest money and that for the past 23 years, the amount has not been returned and the confirmation order has not been issued, the respondents 2 and 3 are directed to return the earnest money deposit of Rs.7,07,500/- (Rupees Seven Lakhs Seven Thousand Five Hundred only) to the petitioner, along with interest at the rate of 6% per annum within a period of four weeks from the date of receipt of a copy of this order. Liberty is granted to the petitioner to participate in the auction.



W.P.No.22582 of 2024

WEB COPY

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

23.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

1. The Government of Tamil Nadu,
Represented by the Additional Secretary to the Government,
Housing and Urban Development Department,
Fort St.George, Madras-9.
- 2.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Trichy Housing Unit,
TNHB Office Complex, K.K.Nagar,
Tiruchirappalli-620 021.
- 3.The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, EMC Market Salai,
Koyambedu, Chennai-600 107.



WEB COPY



W.P.No.22582 of 2024

M.DHANDAPANI, J.

ssb

W.P.No.22582 of 2024

23.08.2024