



W.A.No.3315 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.A.No.3315 of 2024
and C.M.P.No.25711 of 2024

Durai Diviyananthan

... Appellant

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, KK Nagar,
Trichirapalli 620 021.

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

... Respondents



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PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order passed in W.P.No.22582 of 2024 dated 23.08.2024.

For Appellant : Ms.V.Srimathi

For Respondents : Mr.S.Yashwanth, Addl.Govt.Pleader
for first respondent

Mr.M.Arunkumar, Standing Counsel
for respondents 2 and 3

JUDGMENT

(Judgment of the Court was delivered by **D.KRISHNA KUMAR, J.**)

The appellant/Writ petitioner has filed the present writ appeal to set aside the order passed by the learned Single Judge in W.P.No.22582 of 2024 dated 23.08.2024.

2. The appellant has filed the said writ petition seeking to quash the letter dated 15.05.2024 issued by the second respondent, proposing to conduct fresh auction proceedings and 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.



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3. Before the learned Single Judge, it was submitted by the learned counsel for the writ petitioner/appellant 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 the auction in favour of the writ petitioner ". Considering the said submission and also taking into account the fact that the auction was conducted in the year 2001 and the EMD amount of Rs.7,07,500/- is lying with the respondents for the past 23 years, learned Single Judge has directed the respondent concerned to return the EMD Rs.7.07.500/- with interest at the rate of 6% p.a.

4. In such circumstances, now the appellant has filed the present appeal to set aside the order passed by the learned Single Judge and seeks for confirmation of the auction sale conducted in the year 2001 and handover the possession of the auction property in favour of the appellant.

5. Admittedly, the auction sale was conducted in the year 2001 itself and the appellant was a successful bidder in the above auction sale.



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However, sale was not confirmed in favour of the appellant herein. In such circumstances, we are of the view that, till the sale is confirmed, the appellant has no right over the property, unless the respondent passed any adverse order arbitrarily. Hence, we are not inclined to entertain this writ appeal.

6. This writ appeal is dismissed accordingly. There shall be no order as to costs. Connected miscellaneous petition is closed.

(D.K.K, J.) (P.B.B., J.)

15.11.2024

Internet: Yes/No

Index : Yes/No

mst

To

1. The the Additional Secretary to the Government
Government of Tamil Nadu,
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,
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P.B.BALAJI, J.

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