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A Nos. 2081 & 2083 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

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THE HONOURABLE MR JUSTICE S. S. SUNDAR

A Nos. 2081 & 2083/2025

A.Raghram

Applicant(s) in both applications

Vs

The Administrator General and
Official Trustee of Tamil Nadu
[AG&OT], 1st Floor, City Civil Court
Additional Buildings, High Court
Campus, Chennai 600 104.

Respondent(s) in both applications

For Applicant in both applications : Mr.C.P.Sivamohan

For Respondent in both applications ; Mr.D.Lingeswaran, AG&OT

COMMON ORDER

(1)A.No.2081/2025 is filed by the applicant seeking direction to the respondent/AG&OT to recall the Auction Notification dated 16.04.2025 published in the Hindu and Daily Thanthi and / or in any other newspaper



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which the respondent would have caused publication of the same and consequently direct the respondent to issue appropriate auction notification in

compliance with the Tamil Nadu Transparency and Tenders Act, 1988 and the Tamil Nadu Transparency and Tenders Rules 2000.

(2) A.No.2083/2025 is filed by the applicant to stay all further proceedings of the auction notification dated 16.04.2025 issued by learned AG&OT, the respondent herein, pending disposal of the application.

(3) Pursuant to the direction of this Court, learned AG&OT published an auction notification dated 16.04.2025, inviting applications from prospective lessees to take seven parcels of land belonged to the Estate to Sri C.Kandasamy Naidu Trust. It is not out of place to mention that the Trust Estate of Sri C.Kandasamy Naidu vest with AG&OT pursuant to the Will dated 25.01.1948 which was also duly probated. The properties that vest with AG&OT is in the enjoyment of learned AG&OT right from 1948 and the revenue records stand in the name of the Trust all these years.

(4) All the seven parcels of land was earlier put to auction and a lease was granted in favour of an individual for a limited period. Later, possession was



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taken from him after termination of the lease. Thereafter, the property was put to auction on three occasions and the highest bid could not be confirmed for valid reasons. After the previous auction, the very same applicant earlier filed similar application though he had not participated. In short, he shed crocodile tear by stating that the auction notification is not proper, that the property could not be identified properly and that there are visible encroachment etc. In fact, his grievance earlier was that the Trust may not get proper value for the property in view of certain defects. Since fresh auction was directed, the application was closed. Since it was noticed that the property was not showcased properly and there were other defects in the tender process, this Court directed the learned AG&OT to clear the properties and fence the same so that the entire property is visible and showcased to prospective lessees to attract proper market value and fetch more income to the Trust.

(5) Accordingly, a great amount of time and money were spent for clearing, levelling and fencing the entire property. The entire property was surveyed, measured and demarcated with the help of Local Body and Revenue Officials



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of Tiruvallur District. The access for all the items of properties was found from various points so that the property can be approached from several main roads without any difficulty. After levelling and fencing the property, the property has attracted many prospective lessees and learned AG&OT has received many queries and offers. This Court directed learned AG&OT to consult a few experts and valuers for getting fair assessment on the market value before the property is leased out to third parties. Huge Flex Boards were installed in all the seven parcels of the property indicating the boundary, extent and ownership of the property. Even though the property under the Will does not contain the survey numbers, revenue records were verified and confirmed to ensure the marketable title of Trust with the help of the Revenue Department. 'A' Registers before and after settlement and the patta for the entire property [both old and new pattas] issued after UDR were collected along with the FMB sketch for each item of properties.

(6) In the report of learned AG&OT, he has pointed out the details of the previous application filed by the applicant. In the affidavit filed in support of the present applications, the applicant has stated that he is an Entrepreneur



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carrying on business in textiles. The applicant also stated that he intends to use the land for building luggage manufacturing units besides operating warehouses and other MSME related services and logistics. However, he has mentioned that learned AG&OT though has pattas for every piece of land, does not have title deeds. While referring to the Will, the applicant wonder how there are no title deeds. Since the applicant is unable to peruse the relevant documents to avoid any litigation in future, he states that he wanted to peruse the documents of title. However, he also admits that on his visit to the office of AG&OT, he found and confirmed that only patta pertaining to property is available with AG&OT. However, he also makes an observation in the affidavit that he was unable to peruse the title deeds and documents. His statement is quite confusing as the learned AG&OT has categorically informed him that there are no title deeds except the revenue documents in favour of Founder / testator. The applicant repeatedly mentioned in his affidavit that he wanted to peruse title deeds to satisfy himself and to get legal opinion to avoid any litigation in future. The property is put to public auction "as is where is" condition. It is not necessary to produce title deeds when



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there is no document of conveyance by which the property vests with the learned AG&OT. Revenue records stand in the name of the Trust for several

decades would show that the property belongs to the testator. The Will is of the year 1948. The properties vests with AG&OT by virtue of the said Will dated 25.01.1948 which was also duly probated.

(7)The next submission of the applicant is by relying upon the provisions of Tamil Nadu Transparency and Tenders Act, 1998. It is the case of the applicant that as per Rule 20 of the Tamil Nadu Transparency and Tenders Rules, 2000, there should be minimum of 30 days period for submission of tenders/applications between the date of publication and submission of tender applications in case the tender is in excess of Rs.2 Crores in value. Since the upset price of most of the items referred to in the auction notice is more than Rs.2 Crores, it is contended by the applicant that the auction notice fails to meet the requirement as per Rule 20 of the Rules, 2000.

(8)The learned counsel for the applicant then submitted that tender accepting authority, namely, learned AG&OT ought to have published notice inviting tenders in Indian Trade Journal besides daily newspapers as per Section 3 of



the Act, 1998.

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(9) First of all, the question is whether the Tamil Nadu Transparency and Tenders Act, 1998, is applicable to the properties which are administered by learned AG&OT.

(10) Section 3 of the Tamil Nadu Transparency and Tenders Act, 1998 reads as follows:-

"3.. Prohibition or Procurement except by tender.-

(1) No procurement shall be made by the procuring entity except by tender.

(2) The provisions of sections 9 and 10 shall not apply to any procurement made by a procuring entity, in the normal course, if it is for carrying on business of selling and buying goods:

***Provided** that in case of procurement by the procuring entities on behalf of and for sale to Government or Government organisations for any Government programme, such procurement shall be only by tender.*

10[(3) Notwithstanding anything contained in sub-section (1), a procuring entity may procure goods or services through a Government department or Government undertaking, nominated by the Government by notification



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*to act as an agency for procuring specified classes of goods or services on behalf of any procuring entity upon payment of a fee: **Provided** that no procurement shall be made by the nominated agency except by tender.]"*

(11)The word 'procuring entity' is defined under Section 2[e] to mean the entity specified in the Schedule to the Act. The following are referred to as Procuring Entity:-

1. Government Departments
2. Public Sector Undertakings of the Government.
3. Statutory Boards formed by the Government
4. Local Bodies in the State
5. Cooperative Institutions in the State.
6. Universities.
7. Societies formed by the Government.

(12)Therefore, the provisions of Tamil Nadu Transparency and Tenders Act, 1988, has no application and hence, the contention of the applicant that the auction notification is contrary to the provisions of the Tamil Nadu Transparency and Tenders Act, 1988, has no merits.

(13)It is to be noted that the applicant is a fencesitter and has been watching every activity of AG&OT. When the same properties were put to auction



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earlier, the concern of the applicant was that the property had not been showcased properly. He also complained that some portions of the property is in encroachment and there are few persons who are in possession of the same and they are likely to create problem for the Trust.

(14) Earlier, one Everwin Educational and Charitable Trust participated in the auction offered highest lease amount for the whole property. In the process, the applicant filed impleading petition as well as a few applications which are akin to the applications now filed by him. A.No.4000/2024 in OA.No.225/2023 was filed for a direction, directing learned AG&OT to submit a correct and detailed status report of the ground situation, in relation to the subject property of the public auction to be held on 07.08.2024 pursuant to the public auction notice dated 14.07.2024.

(15) Even though the prayer in the applications are different, the object for coming forward with such applications is to stall the auction. The applicant did not participate in the earlier auctions. Yet, he challenged the auction. This time, he purchased tender documents, but did not participate. The *bona fides* of the applications has to be tested by the conduct and attitude of the



applicant. The applicant never participated in the tender pursuant to the previous notifications issued one after another in respect of the same property.

(16) He has similar grievance opposing the auction process. On the earlier occasion, he has projected himself as a person, who has more concern about the Trust and he projected himself to be a person interested in getting more income for the Trust. However, the prayer was to stay further proceedings pursuant to the auction as in the present case. The applicant did not participate in the tender process earlier. In the earlier applications, the applicant stated that he had purchased the application to participate in the tender process. However, he could not inspect the property since time was too short and that, he found several buildings which are permanent in nature are there in the property which was earmarked for auction. He projected encroachment, as if several buildings and dwelling houses are there and submitted that several occupants are occupying the dwelling houses in the property of Trust which was put to public auction by a notification. Since the auction notification refers to the property as vacant land of commercial



nature, the applicant stated that he was shocked to find several buildings inside the property.

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(17) He further complained that some of the conditions are not reconcilable. It is further stated that several encroachers are in possession and enjoyment of several portions of property for over eight decades by successive generations. He also stated that those encroachers have obtained Aadhar Card, Ration Card and ID Card showing the property which is sought to be leased out in public auction, as their permanent address. He has stated that those encroachers had obtained electricity and water connections also. He stated further that he made an enquiry and confirmed that those encroachers who had UDR patta, are moving the Court for appropriate reliefs against AG&OT. He also alleged that the auction is intended only to facilitate some individual to knock off the auction and not in the interest of exploiting the property in the interest of the Trust.

(18) In sum and substance, in the entire affidavit filed by the applicant, the specific allegation is that the entire property which was put to public auction earlier, is in the enjoyment of several families who had put up permanent



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buildings and those encroachers have also UDR patta in their favour claiming title to the property. It has been repeatedly said in the affidavit that the property is not a vacant land. The affidavit filed earlier and this time, contain false statements with an intention to create some cloud over the title of the Trust.

(19) The applicant is aware of the developments. From the false allegations, the attitude and conduct of the applicant is clear but detrimental to the interest of the Trust. Valuable properties of Trust are lying without any income for a few decades. Vast extent of valuable land in a commercially busy locality is kept vacant all these years, probably due to the intervention of a few people like applicant, who had their eye either to grab or to encroach the property. Absolutely, there is no *bona fides* in these applications as this Court could not visualize any bona fide grievance or legal injury to the applicant for the reasons stated in the applications. This would expose the applicant and the object behind these applications. The attempt made by the applicant has caused substantial injury to the Trust Estate which is meant for fulfilling noble objects stated in the Will of the testator. The applicant either by



himself or through his own men, appears to have caused circulation of

affidavit through social media in an attempt to convey a message that the

auction is questionable.

(20) Therefore, this Court finds no merit in these applications. Since a conscious

attempt is made to stall the auction for extraneous reasons, the applications

are liable to be dismissed with exemplary cost.

(21) Accordingly, A.Nos.2081 and 2083/2025 stand **dismissed with cost of**

Rs.1,00,000/- [Rupees One Lakh only] payable by the applicant to the

office of the AG&OT within a period of four weeks from the date of

receipt of a copy of this order.

22-04-2025

AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

Administrator General and official

Trustee of Tamil nadu

High Court, Chennai 600 104.



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S.S.SUNDAR J.

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