



W.P.(MD).No.29297 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.29297 of 2024

and

W.M.P.(MD)No.24739 & 24741 of 2025

T.Sudhakaran

... Petitioner

-VS-

1. The Commissioner,
Office of the Commissioner HR & CE Department,
Chennai.
2. The Joint Commissioner,
HR & CE Department,
Madurai Region,
TNHB Colony.
3. The Assistant Commissioner / Thakkar,
HR & CE Department,
Madurai Region,
TNHB Colony.
4. The Executive Officer,
Arulmigu Balathandayuthapani Swami Thirukkivil,
Nethaji Road,
Madurai.
5. Chiti Babu

... Respondents



W.P.(MD).No.29297 of 2024

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Tender Notification dated 14.08.2024 issued by the 4th respondent and quash the same as illegal and consequently directing the 4th respondent to issue a Fresh Auction cum Tender Notification in respect of Shop in Door No.183A, Ground Floor and First Floor measuring about 677.46 Sq.Ft Situated in S.No.930 at Melamasi Veethi Madurai by giving wide publicity in newspaper in accordance with the provisions of the Religious Institutions (Lease of Immovable properties) Rules 1963 Tamil Nadu Tender Transparency in Tender Act 1988 and Article 14 of the Constitution of India.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.K.S.Selva Ganesan (R1 to R3)

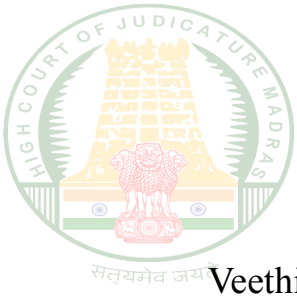
Addl. Government Pleader

Mr.Manoharan (R4)

Mr.N.Kumar (R5)

ORDER

This writ petition has been filed challenging the impugned tender notification dated 14.08.2024 issued by the 4th respondent with a consequential direction to the 4th respondent to issue a fresh auction cum tender notification in respect of Shop in Door No.183A, Ground Floor and First Floor measuring about 677.46 Sq.Ft Situated in S.No.930 at Melamasi



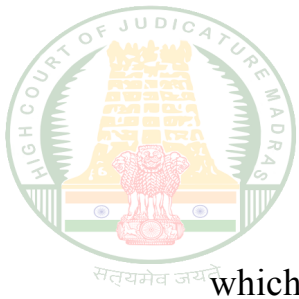
W.P.(MD).No.29297 of 2024

WEB COPY

Veethi Madurai by giving wide publicity in newspaper in accordance with the provisions of the Religious Institutions (Lease of Immovable properties) Rules 1963 Tamil Nadu Tender Transparency in Tender Act 1988 and Article 14 of the Constitution of India.

2. The case of the petitioner is that he is running his business in the aforesaid property, which belongs to the fourth respondent temple. The aforesaid shops were auctioned by the fourth respondent, in which the fifth respondent was declared as a “successful bidder”. However, the auction was not done in a fair manner. The fourth respondent had published the tender notification in a newspaper namely, Tamilsudar, which does not have widest circulation in the said locality. Further, the fifth respondent has not yet deposited the prescribed pre deposit amount of 12 months rent as per the tender conditions. Hence, this writ petition came to be filed seeking the aforesaid relief.

3. When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the official respondents would submit that the very same tender notification has been challenged by one Baskaran in WP(MD)No.20941 of 2024, which was also dismissed by this Court, against



W.P.(MD).No.29297 of 2024

WEB COPY

which, the said Baskaran preferred a special leave petition before the Hon'ble Supreme Court and the Hon'ble Supreme Court, by holding that there is no ground to interfere with the impugned order passed by this Court, dismissed the special leave petition. Hence, he prayed for dismissal of this writ petition.

4. Heard the learned counsel on either side and perused the materials placed before this Court.

5. In a writ petition filed by one Baskaran challenging the very same auction notification which is impugned in this writ petition, this Court has held as follows:-

“3. Having participated in the tender called upon by the fourth respondent, this Writ Petition had been filed challenging the auction notification, by claiming that the petitioner had been a successful bidder in the earlier tender process and pending his renewal application, the tender had been called for.

4. In such view of the matter, this Writ Petition cannot be entertained, as the petitioner has estopped in challenging the tender notification.”

Challenging the same, the said Baskaran filed a special leave petition before the Hon'ble Supreme Court and the Hon'ble Supreme Court also dismissed the



W.P.(MD).No.29297 of 2024

WEB COPY

said petition stating that there is no ground to interfere with the impugned order passed by this Court.

6. In view of the orders passed by this Court and also by the Hon'ble Supreme Court as stated supra, this writ petition lacks merits and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19.03.2025

NCC : Yes/No
Index : Yes / No
sm



WEB COPY



W.P.(MD).No.29297 of 2024

VIVEK KUMAR SINGH, J.

sm

TO:-

1. The Commissioner,
Office of the Commissioner HR & CE Department,
Chennai.
2. The Joint Commissioner,
HR & CE Department,
Madurai Region,
TNHB Colony.
3. The Assistant Commissioner / Thakkar,
HR & CE Department,
Madurai Region,
TNHB Colony.

Order made in
W.P.(MD)No.29297 of 2024

Dated:
19.03.2025