

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.10085 of 2015
& M.P.No.1 of 2015

Ravivarman

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary
Local Administration
Department Fort St. George
Chennai-9.
2. The District Collector
Collectorate , Coimbatore.
3. The Assistant Director of Panchayats,
Coimbatore Zone, Coimbatore.
4. The Executive Officer
Vellalore Panchayat Vellalore and Post
Coimbatore.
5. K.Mohanraj

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, Directing the 4th respondents to receive the Demand Draft submitted by the petitioner herein which is 25% over and above the offer made by the 5th respondent and award the tender in favour of the petitioner as enumerated in Clause 6 of the terms attached to the tender issued by the 4th respondent in his proceedings in Na.Ka. No.289/ 2015/E dated 23.2.2015.

For Petitioner : Mr. D.Ravichander
For Respondents 1 to 3: Mr.V. Subbaiah
Special Government Pleader
For Respondent - 4 : Mr. R. Ravichandran, AGP

ORDER

By consent, the Writ Petition is taken up for final disposal.

2. Petitioner would state that the first respondent herein has called for tender notification for the four items of work order and he has participated in the tender and made a bid for four items mentioned in the tender notification i.e., for collection of toll of the weekly shandy of Vellalore. The tender is for three years commencing from 01.04.2015 to 31.03.2018. The petitioner would further state that he participated in the tender and the respondents are being satisfied with the technical as well as the financial bid was pleased to accept his tender and he has also paid the entire amount of Rs.1,00,000/- and he was also issued with necessary receipts. The petitioner, was summoned by the fourth respondent and accordingly, he met and to shock and surprise and disappointment he was informed by the fourth respondent that the period of tender would be for one year alone i.e, from 2015-16 and when it was pointed out by the petitioner to the fourth respondent that as per tender notification, the period is for three years and he is entitled to collect for all the above said periods. However, the fourth respondent disagreed to accept the same. However, subsequently, the petitioner came to know that the tender in question has been awarded to the fifth respondent and in terms of clause No.7, immediately, he submitted an application on 01.04.2015 enclosing a demand draft for a sum of Rs.5,00,000/- and according to the petitioner, it was refused to be received and left with no other option, he is constrained to approach this Court.

3. Heard, submissions Mr.D.Ravichander, learned counsel for petitioner who drew the attention of this Court to the facts as well as the typed set of documents and would submit that in the light of clause no.7 of the tender notification the obligation is caused upon the respondents to dispose of the application/representation of the petitioner, but, they are not even agreeing to accept the same.

4. Mr. V.Subbiah, learned Special Government Pleader who accepts notice for the respondents 1 to 3 and the learned standing counsel for the fourth respondent on instructions would submit that the petitioner prays for re-tender process and the same is impermissible. However, this court taking into consideration, clause No.7 of the tender notification dated 23.02.2015 and in the light of the facts and circumstances, is of the view that it would suffice, to direct the fourth respondent to take into consideration the application/representation dated 01.04.2015, submitted by the petitioner on merits and in accordance with law and give disposal, within a stipulated time.

5. In the result, this writ petition is disposed of and the fourth respondent is directed to consider the representation dated 01.04.2015 submitted by the petitioner in accordance with law and dispose of the same, as expeditiously as possible and not later than three weeks, from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smi

To

1. The Secretary, Local Administration Department,
Fort St. George, Chennai-9.
2. The District Collector, Collectorate, Coimbatore.
3. The Assistant Director of Panchayats,
Coimbatore Zone, Coimbatore.
4. The Executive Officer
Vellalore Panchayat Vellalore and Post, Coimbatore.

1 cc to Mr.D. Ravichandran, Advocate SR.19644

+ 1 cc Government Pleader Sr.19683

PUR(CO)
EU 23.04.2015

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