

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12-03-2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.31166 of 2014
and
M.P.Nos.1 and 2 of 2014

1 Kamaraj
S/o.Kandasamy 10 Jaganathapuram Sirkali
Nagapattinam District. ... Petitioners

Vs.

1 The Commissioner of Municipal
Administration Commissionerate of Municipal
Administration Ezhilagam Chepauk Chennai
2 The District Collector
Nagapattinam District.
3 The Commissioner cum Executive
Authority Sirkali Municipality
Sirkali-609 110
Nagapattinam District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified mandamus calling for the records of 2nd respondent in his proceedings Na.Ka. No.5465/Uoo.Va.10/ 2014 dated 18.10.2014 and quash the same and further direct the respondents to implement the Resolution Number 684 (Agenda No.10) dated 25.9.2014 passed by Sirkali Municipal Council with immediate effect

For petitioners :: Mr. S. Sounthar

For respondents :: Mr. V. Jaya Prakash Narayanan,
Spl.G.P.

ORDER

Heard Mr. S. Sounthar, learned counsel for the petitioner and Mr. V. Jaya Prakash Narayanan, learned Special Government Pleader appearing the respondents. With consent, the main writ petition itself is taken up for final disposal.

2. The petitioner is the Councillor of the respondent-Municipality and his grievance is that though the Municipality Council passed the Resolution in its Meeting held on 25-09-2014 unanimously accepting the tender offered by one Eraiezhil in respect of the conservancy work tender being the last bidder, the Commissioner-Municipality has ignored the same and had chosen to

allow the conservancy work to a Classical Language Women Self Help Group. This according to the petitioner is wrong and cannot be done. In this regard, the Chairman of the Municipal Council has also submitted a representation to the Director of Municipal Administration stating that the successful tenderer should be granted the tender which was conducted by following the procedure under the Tender Transparency in Tenders Act, 1998.

3. In the light of the above, there will be a direction to the first respondent to consider the petitioner's grievance by taking note of the resolution dated 25-09-2014 and calling for the concerned records from the Commissioner cum Executive Authority of Sirkali Municipality and decide the correctness and propriety of the order dated 18-10-2014. Such an exercise shall be completed by the first respondent within a period of two weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petitions are also closed.

-s/d-
Assistant Registrar (CO)
Dt:13/3/2015

True Copy

Sub-Assistant Registrar

To

- 1 The Commissioner of Municipal Administration Commissionerate of Municipal Administration Ezhilagam Chepauk Chennai
- 2 The District Collector Nagapattinam District.
- 3 The Commissioner cum Executive Authority Sirkali Municipality Sirkali-609 110 Nagapattinam District.

+ 1 cc to Mr.V.Jayaprakashnarayanan, Advocate SR 13966

+ 1 cc to Government Pleader SR 14220

+ 1 cc to Mr.S.Sounthar, Advocae SR 14427

ctk(co)
prk13/3

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and
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