

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12037 of 2015

and

M.P.No.1 of 2015

P.Natesan

Petitioner

.Vs.

1.The Engineer-in-Chief

Public Works Department- Water Resources Organisation
Chepauk
Chennai-600 005.

2. The Chief Engineer

Public Works Department-Water Resources Organisation
Town Hall
Coimbatore-641 001

3.The Superintending Engineer

Public Works Department- Water Resources Department
Bhavani River Basin Circle
Erode-638 011

Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the third respondent herein from confirming any tender in respect of construction of the Artificial Recharge Structure across Sulipallam Odai in S.F.No.574 of Thennamanallur Village in Coimbatore, South Taluk of Coimbatore District.

For Petitioner : Mr.T.Murugamanickam

For Respondents : Mr.Durai Solaimalai (R1 to R3)
Additional Government Pleader

O R D E R

By consent the writ petition is taken up for final disposal.

2.The petitioner claims that he is a recognised State Level Civil Contractor registered with the Public Works Department and also the Tamil Nadu Electricity Board. The third respondent has called upon the tenders for construction of "Artificial Recharge Structure" across Sulipallam Odai in S.F.No.574 of Thennamanallur Village in Coimbatore South Taluk and the petitioner has submitted his tender on 04.02.2015. The petitioner would state that though the date of opening of tender was fixed on 04.02.2015 at 3.30 P.M., the third respondent have not opened the tender on that date. In this regard, the petitioner has also sought information under the Right to Information Act and the third respondent vide reply dated 12.02.2015 provided with an answer that the tenders were be opened on that date itself. But however, the third respondent contradicts itself by not indicating the name of the lowest bidder. It is also stated by the petitioner that the third respondent went a step further and states that all 6 tenders were opened and sent to the second respondent -Public Works Department -Coimbatore Region, for confirmation. The petitioner has submitted a representation dated 10.02.2015 to the respondents pointing out the relevant statutory provisions of Tamil Nadu Transparency and Tenders Act, 1998 and the rules framed thereunder and requested them to inform the decision taken and also provide reasons. Since he has not been favoured with any response, he came forward to file this writ petition.

3.Heard the submissions of Mr.T.Murugamanickam, learned counsel appearing for the petitioner and Mr.Durai Solaimalai, learned Additional Government Pleader appearing for the respondents.

4.Though the petitioner prayed for a larger relief, this Court taking into consideration the facts and circumstances, directs the third respondent to consider and dispose of the representation dated 10.02.2015 in accordance with law, after putting on notice to the persons concerned and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as to the persons concerned.

The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

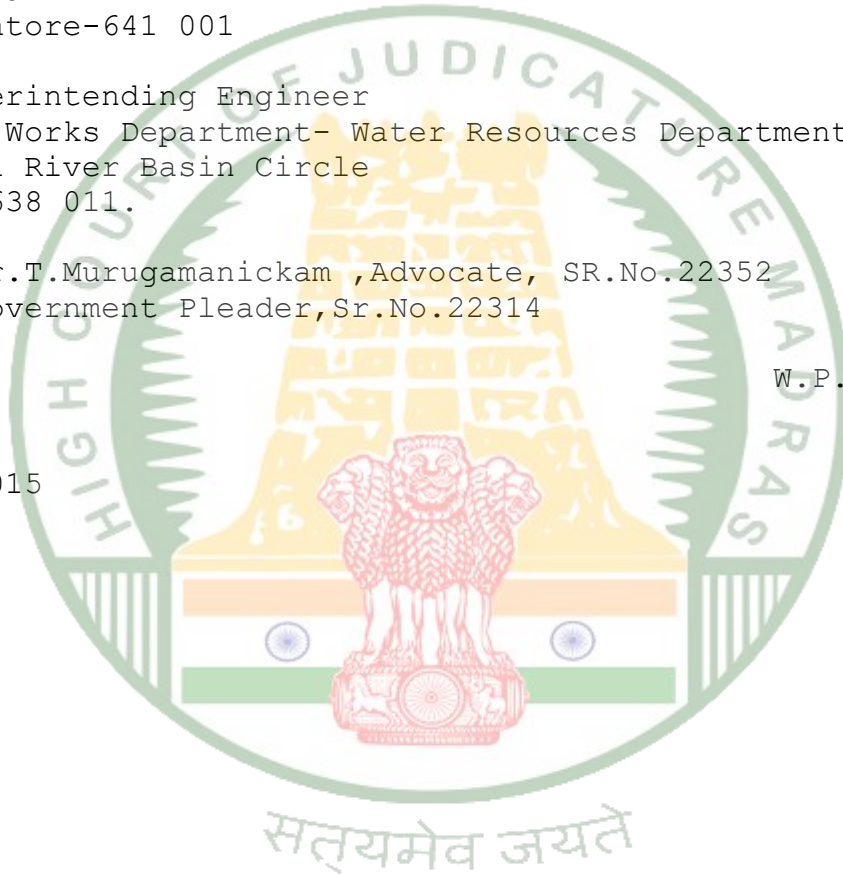
arr

To

- 1.The Engineer-in-Chief
Public Works Department- Water Resources Organisation
Chepauk
Chennai-600 005.
 2. The Chief Engineer
Public Works Department-Water Resources Organisation
Town Hall
Coimbatore-641 001
 - 3.The Superintending Engineer
Public Works Department- Water Resources Department
Bhavani River Basin Circle
Erode-638 011.
- 1 cc to Mr.T.Murugamanickam ,Advocate, SR.No.22352
1 cc to Government Pleader,Sr.No.22314

W.P.No.12037 of 2015

ksj (co)
pmk.7.5.2015



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