

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.12.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.15036 of 2015 and M.P.Nos.1 and 2 of 2015

S.Ravichandran

...Petitioner

Vs

1. The Director,  
Commissionerate of Municipal  
Administration,  
Ezhilagam, Chennai - 600 005

2. The Commissioner,  
Perambalur Municipality,  
Perambalur - 621 212

..Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the tender notification of the 2<sup>nd</sup> respondent passed in Na.Ka.No.3652/2015/A2 dated 07.05.2015 and quash the same and consequently direct the 2<sup>nd</sup> respondent to call for e-tender after complying Section 9(3) of Tamilnadu Transparency in tenders Act.

For Petitioner : Mr.P.Krishnan

For Respondents : Mr.R.Razeswaran for R1  
Special Government Pleader

Mr.P.Srinivas for R2

सत्यमेव जयते  
O R D E R

The petitioner has filed this Writ Petition seeking to challenge the tender notification issued by the 2<sup>nd</sup> respondent dated 07.05.2015 on the ground that adequate publicity has not given as per the provisions of the Tamilnadu Transparency in Tenders Act and E-tender should be called for.

2. The affidavit filed in support of the Writ Petition does not specifically state whether the petitioner is a participant in the auction, neither that the petitioner has stated as to how he is otherwise aggrieved by the virtue of the impugned auction. Be that as it may, at the time when the writ petition was entertained during

May, 2015, no interim order was granted except to observe any decision of the respondent is subject to the result of the Writ Petition.

3. From the counter affidavit filed by the 2<sup>nd</sup> respondent it is seen that tender cum auction for the shops was published in Tamil Daily on 09.05.2015 and the tender notification was published in the District Tender bulletin dated 14.05.2015. The notification is also stated to be published in the notice board of the office of the 2<sup>nd</sup> respondent and in the notice board of the other Government Departments such as office of the District Collector, RDO Office, Tahsildar office etc., Further it is stated that copies of the notification were sent to the Registered contractors, licensee and lessees of the Municipality. Further, copy was also served on elected representatives of the council as well as the members of the Legislative Assembly.

4. So far allegation that E-tender alone should be conducted, the respondent seek to justify their auction contending that general public and small vendors, who are actually going to use their shops for livelihood cannot be called upon to participate in an E-tender and therefore the procedure of publishing by way of newspaper was resorted. From Paragraph No.12 of the Counter affidavit it is seen that shops have already been allotted to successful bidders. The other allegations made by the petitioner have been denied in the counter affidavit. Thus, this Court satisfied that the provisions of the Tamilnadu Transparency in Tenders Act has been complied with and no ground have been made out to quash the impugned tender. Accordingly, Writ Petition fails and the same is dismissed. Consequently connected miscellaneous petitions are closed. No costs.

Ssd

Sd/-

Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

1. The Director,  
Commissionerate of Municipal  
Administration,  
Ezhilagam, Chennai - 600 005

2. The Commissioner,  
Perambalur Municipality,  
Perambalur - 621 212

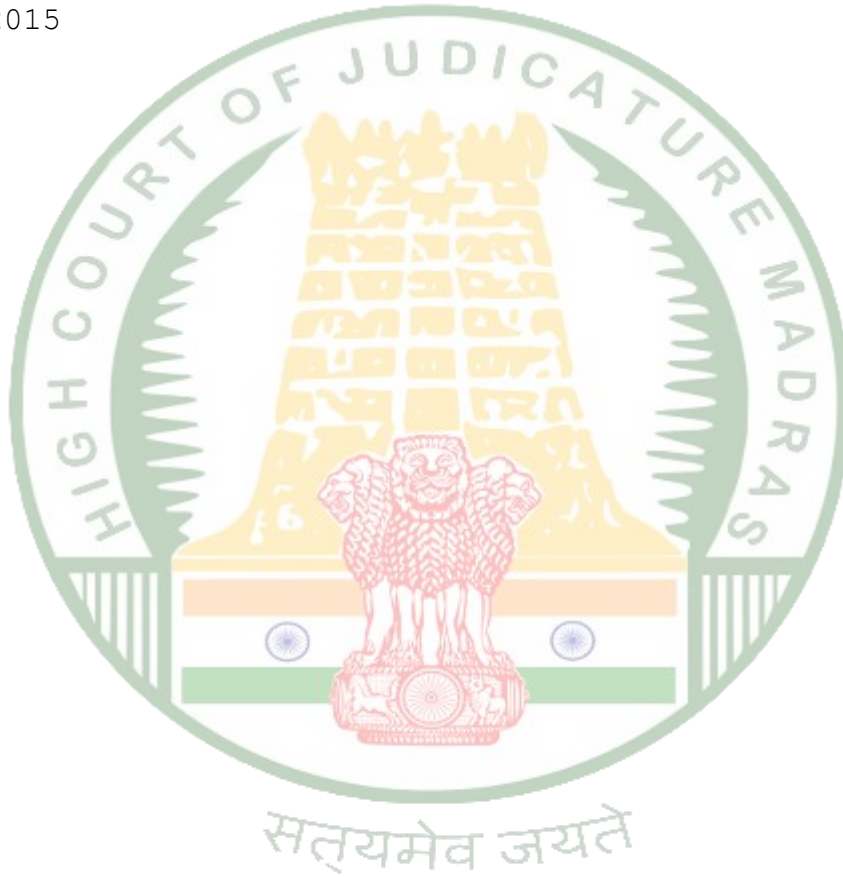
+1 C.C. To P.Srinivas, Advocate in SR.NO.65562

W.P.No.15036 of 2015 and

M.P.Nos.1 and 2 of 2015

AR (IV)

sd : 21/12/2015



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