

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21977 of 2015
and M.P.No.1 of 2015

G.Boobathi

.. Petitioner

- Vs -

1. The District Collector,
Collectorate, Namakkal,
Namakkal District.
2. The Registrar of Co-operative Society,
Tamilnadu Co-operative Societies,
Kilpauk, Chennai.
3. The Deputy Registrar,
Co-operative Societies, Namakkal.
4. The Assistant Registrar,
Public Distribution Scheme,
2nd Floor, Collectorate, Namakkal.
5. The Namakkal Agricultural Producers Co-operative
Marketing Society Limited,
Rep. by its Managing Director,
Tiruchengode Road, Namakkal.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the 4th and 5th respondent to awarding of the tender of transport contract for movements of essential and special public distribution system commodities from TNCS godowns to public distribution system shops, to ineligible persons by adopting unfair, arbitrary and illegal methods, and consequently direct the 4th and the 5th respondent to finalize the tender in a fair and just manner by strictly following the tender laws after considering the representation of the petitioner dated 16.07.2015.

For Petitioner : Mr.P.Britto

For Respondent 1 : Mrs.P.Rajalakshmi
Government Advocate

For Respondents 2 to 4 : Mr.L.P.Shanmugasundaram
Spl.G.P. (Co-operatives)

O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner claims that he is the owner of M/s.G.B. Transport having its place of business at Namakkal. The 5th respondent is supplying essential commodities from TNCS godowns to various public distribution system shops in and around Namakkal and Paramatthi. The 5th respondent for that purpose issued tender notification dated 30.06.2015 and according to the petitioner he has quoted the lowest bid for transportation of the essential articles and was present at the time of opening of the tender and the fact that the petitioner quoted the least rate is also not in serious dispute. The apprehension expressed by the petitioner is that the respondents 4 and 5 due to political and other pressures may not award the contract in favour of the petitioner though he has quoted the lowest bid and in this regard submitted a representation dated 16.07.2015, to the second respondent and since he has not been favoured with any response, has come forward to file this writ petition.

3. The learned counsel appearing for the petitioner would vehemently contend that since the petitioner has quoted the lowest bid amount, in all fairness, the contract has to be awarded to him but on account of political and other pressure, steps are being made to award the contract in favour of a person who is having political clout and prays for stay of the opening of the bid and award of the contract in favour of other persons.

4. Per contra, the learned Special Government Pleader appearing for respondents 2 to 4 would contend that fair and proper procedure in accordance with the Tamil Nadu Transparency in Tenders Act, 1998 has been adopted and would further submit that the allegations made by the petitioner are unfounded.

5. This Court in the light of the facts and circumstances of the case, without going into the merits of the claim as projected by the petitioner as well as the respondents, directs the second respondent to consider and dispose of the representation of the petitioner dated 16.07.2015, in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition

is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate, Namakkal,
Namakkal District.
2. The Registrar of Co-operative Society,
Tamilnadu Co-operative Societies,
Kilpauk, Chennai.
3. The Deputy Registrar,
Co-operative Societies, Namakkal.
4. The Assistant Registrar,
Public Distribution Scheme,
2nd Floor, Collectorate, Namakkal.
5. The Managing Director,
Namakkal Agricultural Producers Co-operative
Marketing Society Limited,
Tiruchengode Road, Namakkal.

- + 1 cc to M/s.L.P.Shanmugasundaran, Advocate Sr.37329
- + 1 cc to Government Pleader Sr.37408
- + 1 cc to Mr.P.Britto, Advocate Sr.37352

KSJ(CO)
EU 12.08.15

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