

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.24169 of 2015

and

M.P.No.1 of 2015

S.M.Elumalai

...Petitioner

- Vs -

1. The District Collector/Chairman,
District Rural Development agency,
Villupuram,
Villupuram District.

2. Block Development Officer,
Melmalaiyanur Panchayat Union,
(Village Panchayat),
Melmalaiyanur,
Gingee Taluk,
Villupuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the 2nd respondent to issue tender forms in tender notification in Na.Ka.No.E1/1354/2015 dated 31.07.2015 on the file of the 2nd respondent for the following works viz.S.Nos.3,8,17,23,26,29,36,41,51,55,62,70,75,78 and annex form item no.1 viz., Sitheri-Thulliankulam Bt road.

For Petitioner : Mr.G.Rajan

For Respondents : Mr. R.A.S.Senthilvel
Additional Government Pleader

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ORDER

This petitioner seeks for a direction to the second respondent to issue tender forms in Tender Notification in Na.Ka.No.E1/1354/2015 dated 31.07.2015 on the file of 2nd respondent

for the works viz., S.Nos.3,8,17,23,26,29,36,41,51,55,62,70,75 and 78 and annex form item no.1 viz., Sitheri-Thulliankulam Bt road.

2. When the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents submitted that the registration has been cancelled and therefore the petitioner was not issued with tender form.

3.By way of reply, the learned counsel for the petitioner submitted that the cancellation done at the District Level has been stayed by this Court in W.P.No.22075 of 2012 and M.P.No.1 of 2012 by an order dated 23.08.2012 and the same is in force.

4. Inasmuch as the District Registration is sufficient to participate in the tender process conducted at the District branch the petitioner has been given 63 contracts.

5.Considering the same, without going into the rival contentions this Court is of the view that the relief sought for by the petitioner for issuance of the tender forms by the respondents so as to enable him to participate in the tender proceedings, can be granted. The question as to whether he is entitled to become a successful tenderer is a matter to be decided by the respondents.

6. In view of the same, the second respondent is directed to issue tender forms forthwith to the petitioner so as to enable him to participate in the tender process. However, it is made clear that the issuance of the tender forms does not amount to deciding of all the issues including the effect of the order dated 15.05.2012 and if the petitioner refuses to sign in the receipt of the tender form, the respondent cannot be blamed for the same. The respondents shall also receive the tender fee by way of Demand Draft.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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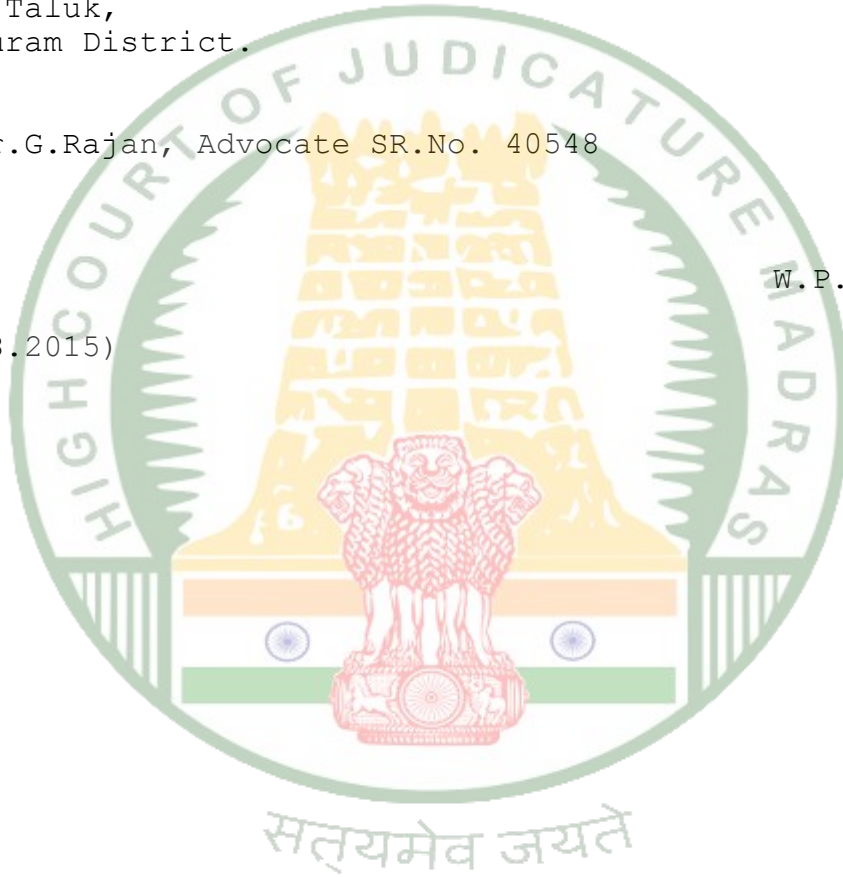
To

1. The District Collector/Chairman,
District Rural Development agency,
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Villupuram District.
2. Block Development Officer,
Melmalaiyanur Panchayat Union,
(Village Panchayat),
Melmalaiyanur,
Gingee Taluk,
Villupuram District.

1 CC to Mr.G.Rajan, Advocate SR.No. 40548

VG (CO)
PSI (05.08.2015)

W.P.No.24169 of 2015



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