

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.29345 OF 2015 AND MP.NOS.1 TO 3 OF 2015

L.Saravanan

...Petitioner

Vs

1.The District Collector, Krishnagiri
District, Krishnagiri-635001.

2.The Commissioner, Krishnagiri
Municipality, Krishnagiri-635001.

3.The Chairman, Krishnagiri
Municipality, Krishnagiri-635001.

4.The Executive Officer, Krishnagiri
Municipality, Krishnagiri-635001.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 5.9.2015 and consequently direct the first respondent to conduct the auction dated 18.9.2015 upon the supervision of the first respondent.

For Petitioner : Ms.K.Annamma

For Respondent-1 : Mr.R.Lakshminarayanan, AGP

For Respondents 2 to 4 : Mr.V.Jayaprakash Narayanan, SGP

ORDER

Heard the learned counsel for the petitioner and the respective learned counsel appearing on behalf of the respondents.

2. The petitioner seeks for the issuance of a Writ of Mandamus to direct the first respondent to consider the representation of the petitioner dated 5.9.2015 to conduct the auction on 18.9.2015.

3. The learned counsel for the petitioner submits that the reason for the petitioner seeking such a relief is because of the large scale collusion between the third respondent and the

officials of the Municipality and all these years, only three persons, who have been named in the petitioner's representation, are being granted the tenders. In fact, the learned counsel for the petitioner submits that one of such persons was a contractor for constructing a bridge, which had collapsed and an enquiry is now in progress with the Government.

4. However, the learned Special Government Pleader appearing for respondents 2 to 4 submits that the tender cannot be opened because of the interim order granted by this Court in this writ petition.

5. Though the petitioner has made several allegations against the private individuals, they are not made parties to the writ petition. Therefore, those allegations cannot be gone into at this stage. Nevertheless, this Court is of the view that full transparency should be maintained in the manner, in which, tenders submitted by the tenderers are opened, that respondents 2 and 4 should ensure that there is no room for any arbitrariness or nepotism and that there should not be any complaint arising out of opening of the tenders. Further, this Court is not inclined to direct the first respondent to open the tenders by nominating him as the Tender Inviting Authority, as it would be contrary to the Tamil Nadu Transparency in Tenders Act, 1998 and the very Notification issued by the second respondent more particularly, when there is no challenge to the tender notification dated 2.9.2015.

6. However, in order to ensure that there is absolute transparency in the entire proceedings, the writ petition is disposed of with a direction to the first respondent to nominate an officer to be present at the time when the tenders are being opened and the opening of the tenders shall be videographed by the second respondent. It is made clear that the opening of the tenders shall be in the presence of all the tenderers. No costs. Consequently, the above MPs are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Krishnagiri District,
Krishnagiri-635001.

2.The Commissioner,
Krishnagiri Municipality,
Krishnagiri-635001.

3.The Chairman,
Krishnagiri Municipality,
Krishnagiri-635001.

4.The Executive Officer,
Krishnagiri Municipality,
Krishnagiri-635001.

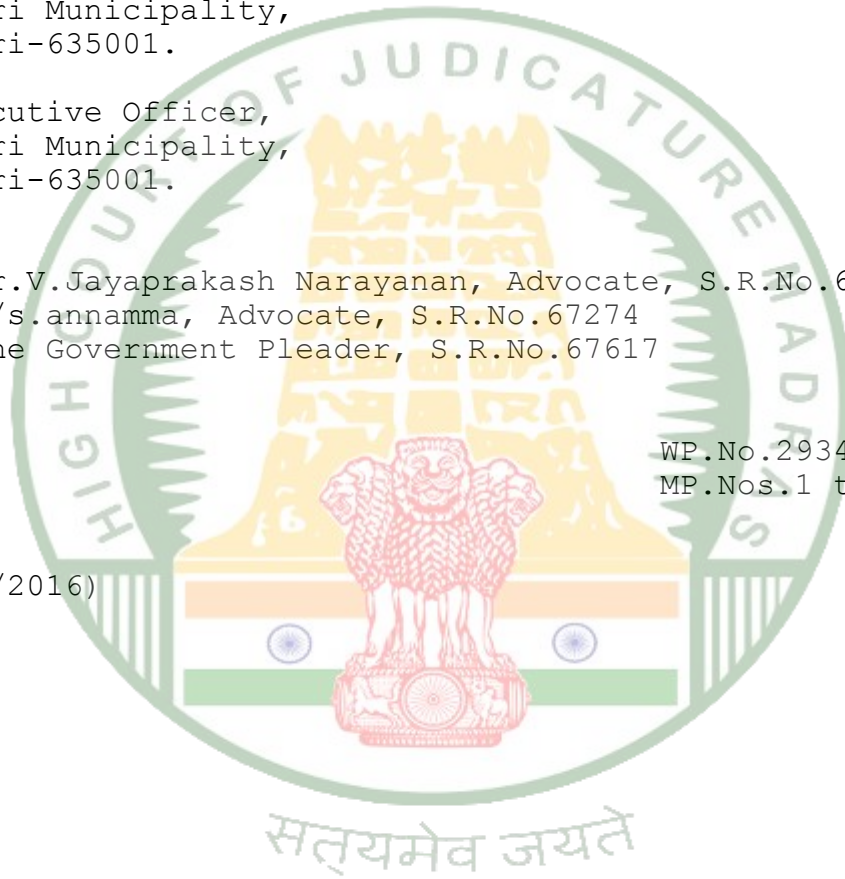
+lcc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.67274

+lcc to M/s.annamma, Advocate, S.R.No.67274

+lcc to the Government Pleader, S.R.No.67617

WP.No.29345 of 2015 &
MP.Nos.1 to 3 of 2015

ctk(CO)
srg (05/01/2016)



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