

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.29669 of 2015

and

M.P.No.1 of 2015

R.Veerappan

.. Petitioner

vs.

1. Secretary to Government,
Rural Development and
Panchayat Raj Department,
Fort St.George, Chennai - 600009.
2. The District Collector,
Villupuram,
Villupuram District.
3. The Block Development Officer,
Thirunavallur Panchayat Union,
Thirunaavalur,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of Indian to issue a Writ of Mandamus directing the third respondent to invite tenders for implementation of various public works and projects in pursuance of the proceedings dated 13.07.2015 issued by the Thirunavallur Panchayat Union by considering the petitioner's representation dated 29.08.2015 within a stipulated time.

For petitioner : Mr.B.Vijay

For respondents 1 & 2 : Mrs.M.E.Raniselvam,
Additional Government Pleader

For third respondent : Mr.R.Ravichandran,
Additional Government Pleader

ORDER

The petitioner has come before this Court seeking a Writ of Mandamus directing the third respondent to invite tenders for implementation of various public works and projects in pursuance of the proceedings dated 13.07.2015 issued by the third respondent.

2. The petitioner contends that the State Government sanctioned sufficient funds for the Village Panchayat and Panchayat Unions for the purpose of formation of new roads, upgradation of sanitation facilities and for construction of water storage tanks in the concerned Panchayat. The Ward Members of the concerned Village Panchayat and Panchayat Unions have represented to the third respondent to initiate appropriate action for inviting tenders for the purpose of above work. By proceedings dated 13.07.2015, the third respondent panchayat union approved sanction in respect of 55 works. Those works are said to be given without inviting tenders. Hence the Writ Petition.

3. A counter affidavit has been filed by the third respondent stating that already 26 works were being carried out and they are yet to be completed and after completion of those works, the present works, namely, 55 works covered in the resolution of the third respondent Panchayat Union dated 23.07.2015 will be taken up. Paragraph 7 of the counter affidavit reads as follows:-

"7. I submit that after completion of above said tender work, I have to concentrate to the new works which now the petitioner demands. I submit that I will prepare the estimates of cost of work in the second week of November 2015, thereafter on 3rd week November 2015 I will call for the notice inviting tender to the contractor. A clean 15 days will be given to contractor to submit their tender form. Thereafter, on 1st week of December I will finalise the contractor and I will issue the work order. Hence there is no malafide on willful postponement of the tender as stated by the petitioner because of the above said reason now I am not in a position to call for the tender. If I entrusted concentrate the new tender work the contractor may not do their work perfectly for which public work will suffer and fund of panchayat union will be wasted. Hence, three months time is required to finalise the new tender as demanded by the petitioner in the Writ Petition. Public importance work cannot do in a hurried manner. Hence, I submit before this Hon'ble Court after completion of old tender on or before 31.10.2015, I will begin the new tender."

4. After hearing Mr.B.Vijay, learned counsel appearing for the petitioner, Mrs.M.E.Raniselvam, learned Additional Government Pleader appearing for first and second respondents and Mr. R.Ravichandran, learned Additional Government Pleader appearing for the third respondent, this Court is of the view that the Writ Petition can be disposed of by recording the submission made by the third respondent in Paragraph 7 of the counter affidavit stating that the tender notification will be issued inviting tenders for 55 works which are covered by the resolution of the third respondent dated 23.07.2015 and accordingly, the Writ Petition is disposed of. It is expected that the third respondent shall act as per the undertaking given before this

Court. No order as to costs. The connected Miscellaneous Petition is closed.

asvm

Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. Secretary to Government,
Rural Development and
Panchayat Raj Department,
Fort St.George,
Chennai - 600009.
2. The District Collector,
Villupuram,
Villupuram District.
3. The Block Development Officer,
Thirunavallur Panchayat Union,
Thirunaavalur,
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+1 C.C. To MR.B.VIJAY, Advocate in SR.NO.52479

W.P.No.29669 of 2015
and
M.P.No.1 of 2015

SVI (CO)
sd : 08/10/2015

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