

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.Nos.32051 to 32053 of 2015

K.Raja ... Petitioner in W.P.No.32051 of 2015

Janarthanan ... Petitioner in W.P.No.32052 of 2015

Shiva Constructions
Represented by its Managing Partner,
P.Shivakumar,
S/o.Ponnusamy,
54/79F-H3N2, Elambalur Road,
Perambalur. ... Petitioner in W.P.No.32053 of 2015

- Vs -

1. The Chief Engineer,
Public Works Department,
Chepauk, Chennai-31.

2. The Superintending Engineer,
Public Works Department (WRO),
Middle Cauvery Basin Circle, Trichy-20.

3. The Executive Engineer,
Public Works Department (WRO),
Marudhaiyaru Basin Division, Ariyalur. ... Respondents

WP.No.32051 to 32053/15

Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for records with respect of the impugned tender notification dated 15.09.2015 issued by the 2nd respondent in Tender Advertisement No.06/2015-16/V2/N.Ka.V.V/Thiruchi and quash the same.

For Petitioner

(in all W.P's)

: Mr.R.Nalliyappan

For Respondents

(in all W.P's)

: Mr.P.H.Arvindpandian, AAG

Assisted by Mr.S.Diwakar, AGP

C O M M O N O R D E R

As the issues involved in all these Writ Petitions are one and the same, they are taken up together and disposed of by a common order.

2. The grievance of the petitioners appears to be that the tender schedule could not be downloaded online. Though they have sought for making applications with requisite challan, they had not been given the tender schedule and their request was rejected on irrelevant consideration. The Tender schedules have been given to only persons who are handpicked by the respondents.

3. The learned counsel for the petitioners submitted that the page produced would show that out of 755 persons who visited the page, only two persons have been uploaded online. The petitioners' payment of requisite fee challan on 05.10.2015 seeking Tender documents have been rejected only on 07.10.2015. A representation have been made by the petitioners on 05.10.2015. However, despite the same deliberately the respondents have not been given tender schedule.

4. The learned Additional Advocate General appearing for the respondents would submit that out of 755 persons who visited the tender page through online, except petitioners there is no grievance from other persons. Even otherwise, in the online page itself, it is mentioned that if anyone find any problem in the display of the document, they can send a message to the e-mail address given in the said page. But, the petitioners have not chosen to do so. The representation made on 05.10.2015 was sent by the petitioners on 06.10.2015 and the same was received belatedly on 07.10.2015. It is not in dispute that the cash remittance has been made to wrong D.P. Codes. Accordingly, the order has been passed rejecting the request of the petitioner on 09.10.2015 and hence no interference is required.

5. Power of Judicial Review in this matter is very limited. Though it is alleged by the learned counsel for the petitioners that they are unable to download tender schedule, there is no material to substantiate the same, especially when it is averred in the counter affidavit that two tenderers have done it online. Unfortunately the petitioners have not given any complaint to the E-mail address given in the notification. It is also unfortunate that the petitioners have paid the requisite fees in the heads which are different and the representation dated 05.10.2015 was sent only on 06.10.2015 which in all probabilities would have reached the respondents on 07.10.2015.

Thus inspite of the fact that there are two tenders whose tenders have been received, this Court is unable to come to the aid of the petitioners. Hence, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Chief Engineer,
Public Works Department,
Chepauk, Chennai-31.
2. The Superintending Engineer,
Public Works Department (WRO),
Middle Cauvery Basin Circle, Trichy-20.
3. The Executive Engineer,
Public Works Department (WRO),
Marudhaiyaru Basin Division, Ariyalur.

+1 cc to Government Pleader (sr.58586)

pur(co)
cp 30/10/2015

W.P.Nos.32051 to 32053 of 2015

सत्यमेव जयते

WEB COPY