

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

Writ Petition No.33927 of 2015 and
M.P.No.1 OF 2015

Arul Thanigai Waster Paper Dealer
rep. by Proprietor
K.M.Mahadevan,
No.1886, 76th Block,
Sathyamurthy Nagar,
Chennai-600 039. ... Petitioner

vs.

- 1 The Registrar,
University of Madras,
Chepauk, Chennai-600 005.
2. S.P.Munuswamy Waste Paper Company
rep. by S.P.Munuswamy,
No.11, T.V.K.Link Road,
Krishnamurthy Nagar,
Kodungaiyur, Chennai-118.
3. Sreenivasan Waste Paper Mart,
No.2, Moore Street,
Chennai-600 001
rep. by its Proprietor Padmanaban ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner herein dated 15.10.2015 and pass suitable orders in accordance with law within a stipulated period.

For Petitioner : Mr.C.Uma Shankar

For 1st Respondent : Mr.R.Vijayakumar,
Standing Counsel

O R D E R

The Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner herein dated 15.10.2015 and pass suitable orders in accordance with law within a stipulated period.

2. The crux of the case is as follows:

(a) The petitioner firm is involved in the business of waste paper dealership for the past almost 40 years. He is a regular tax payer and his firm is registered with the Directorate of Stationary and Printing and it is a approved dealer for the purpose of dealing with waste paper. Normally, the tenders have been called for the removal of the waste paper and as such, on receipt of such tenders, the highest bidder is considered for the said contract for removal within the city of Chennai as well as outside the city of Chennai throughout Tamilnadu.

(b) While so, on 22.07.2014, a open tender notification has been issued by the University of Madras through its Registrar, the 1st respondent herein for the disposal of the waste paper materials and the last date for submission of the same is on 22.08.2014 at 03.00 p.m. The petitioner company has applied for the same by duly complying with the terms and conditions stipulated in the tender notification. In the auction, the 3rd respondent in the writ petition, namely, M/s.Sreenivasan Waste Paper Mart rep. by its Proprietor Padmanaban was the highest bidder and the petitioner herein was the second highest bidder.

(c) In the meantime, the 2nd respondent herein filed W.P.No.29293/2014 against the University of Madras and as against the 1st and 2nd highest bidders. Because of the pendency of the Writ Petition, the contract was not awarded to the 3rd respondent being the highest bidder and the 1st respondent directed the petitioner herein to clear the waste papers continuously. While so, the status quo order dated 06.01.2015 which was granted already in that writ petition, was modified by an order dated 31.07.2015 directing the 1st respondent herein to clear the waste papers by the 3rd respondent herein, who was the highest bidder in the auction, till the disposal of that writ petition.

(d) Aggrieved over the same, the petitioner herein gave a representation dated 09.09.2015 to the Madras University. Though the petitioner was called and assured that the issue would be sort out, the 3rd respondent is only now clearing the entire waste papers. Hence, the petitioner has sent another representation dated 15.10.2015 to the 1st respondent. Since, there is no response for the same, the petitioner is before this Court with this Writ Petition.

3. Heard both sides.

4. Considering the limited prayer sought for in this Writ Petition, without expressing any opinion on the merits of the matter, the 1st respondent is directed to consider and dispose of the petitioner's representation dated 15.10.2015 on merits and in

accordance with law, within a period of four weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is also closed.
tsi

Sd/-
Vacation Officer

/True Copy/

Sub-Assistant Registrar

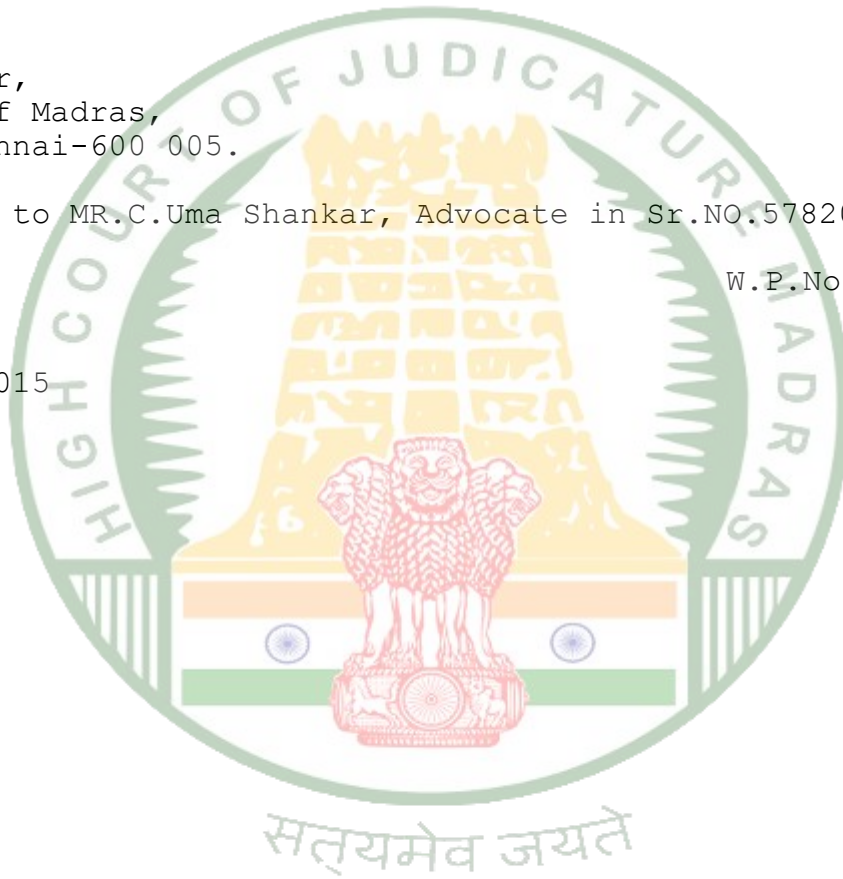
To

The Registrar,
University of Madras,
Chepauk, Chennai-600 005.

+1 C.C. to MR.C.Uma Shankar, Advocate in Sr.NO.57820

W.P.No.33927 of 2015

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