



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD)No.16170 of 2015

T.Ambika

...Petitioner

Vs

1.The Superintending Engineer(A/C),
National Highways,
Tirunelveli.

2.The Divisional Engineer(NH),
National Highways,
Nagercoil.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to issue working condition certificate(45 numbers- for 45 works) on the basis of the petitioner's application, dated 03.09.2015 pertaining to tender notification Nos.7, 8, 9, 10/2015, dated 10.08.2015 on or before 08.09.2015.

For Petitioner :Mr.Pugazh Gandhi

For Respondents :Mr.V.Pandi

Additional Government Pleader

ORDER

The writ petition has been filed for issuance of Writ of Mandamus directing the second respondent to issue working condition certificate(45 numbers- for 45 works) on the basis of the petitioner's application, dated 03.09.2015 pertaining to tender notification Nos.7, 8, 9, 10/2015, dated 10.08.2015 on or before 08.09.2015.

2. The case of the petitioner is that she is a Government-State Level Class I contractor for Public Works Department Highways Department. The petitioner executed various highway works to the satisfaction of Government of Tamil Nadu. The first respondent issued four tender notices in Tender Notice Nos.7, 8, 9, 10 / 2015-2016, dated 10.08.2015 calling for competitive bidders to participate in a tender under the Tirunelveli (NH) Division Central Road Fund 2015-16. The petitioner is willing to participate in all the works mentioned in the tender notices. The said notification fixes the deadline for submission of tender documents on or before 11.09.2015 at 15.00 hours through online. While so, now the first respondent issued an additional qualification stating that the



machineries central mix plant, Paver finisher, static roller, vibratory tandem roller and earth compacter, have to be in good working condition and working condition certificate should be obtained from the Divisional Engineer (H), Quality Control, on or after 20.08.2015 and original certificates should be enclosed along with the tender for the above equipments. According to the petitioner, one of the conditions for declaring as Class I Contractor, is ownership and good working condition of the above said equipments. Hence, the petitioner applied to the second respondent on 03.09.2015 requesting him to inspect his premises and issue a working condition certificate. But the said application was not considered till date. Hence, he has come forward with this writ petition.

3. Heard the submissions made on either side and carefully perused the materials available on record.

4. Considering the submissions made on either side, without going into the merits of the matter, the second respondent is directed to inspect the petitioner's premises with regard to issuance of Working Condition Certificate and pass appropriate orders on or before 10.09.2015. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

5. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1.The Superintending Engineer(A/C),
National Highways, Tirunelveli.

2.The Divisional Engineer(NH),
National Highways, Nagercoil.

Akm/07.09.2015 /2p-3c/

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