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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1256 of 2016**

Prakash Jain S/o Late Agarchand Jain aged about 52 years resident of Village Basna Ward No.3 Basna District Mahasamund Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary Urban Administration and Development Mantralaya Mahanadi Bhawan New Raipur P.S. Rakhi District Raipur Chhattisgarh
2. Collector Mahasamund District Mahasamund Chhattisgarh
3. The C.M.O. Nagar Panchayat Basna Tahsil Basna District Mahasamund Chhattisgarh
4. C.E.O. Nagar Palika Panchayat Basna Tahsil Basna District Mahasamund Chhattisgarh
5. S.D.O. Revenue Saraipali District Mahasamund Chhattisgarh

---- Respondents**And****Writ Petition (C) No. 1264 of 2016**

Mukhvinder Singh S/o Late Chandan Singh aged about 43 years resident of Village Basna Ward No.2 Tahsil and Post Basna District Mahasamund Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary Urban Administration and Development Mantralaya Mahanadi Bhawan New Raipur P.S. Rakhi District Raipur Chhattisgarh
2. Collector Mahasamund District Mahasamund Chhattisgarh
3. The C.M.O. Nagar Panchayat Basna Tahsil Basna District Mahasamund Chhattisgarh
4. C.E.O. Nagar Palika Panchayat Basna Tahsil Basna District Mahasamund Chhattisgarh
5. S.D.O. Revenue Saraipali District Mahasamund Chhattisgarh

---- Respondents

For Petitioner : Shri Ravi Kumar Bhagat, Advocate.
For Respondents/State : Shri Vinod Deshmukh, Deputy Government Advocate.
For Respondents No.3 & 4 : Shri Vivek Sharma, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay K. Agrawal J.

Order on Board

Per Deepak Gupta, Chief Justice

27/06/2016

1. Though the matters are listed for default, since Respondents No.3 and 4 are represented and have filed reply, the matters are taken up of hearing at the motion stage.
2. Learned Counsel for Respondents No.3 and 4 have filed reply and as per their reply, there is a two-tier system for obtaining the tender document. The stand of Respondents No.3 and 4 is that first the contractor has to deposit Rs.50/- per work for the works which he is interested. It is admitted fact that the Petitioner initially expressed his interest to do eight works.
3. After the contractor has expressed his interest for certain works then as per the advertisement (Annexure-P/1), he has to deposit fees for getting the tender document. The price of tender document varies according to nature and cost of the work and from the advertisement, we find that there were total 18 works which were advertised and the cost of the tender starts from Rs.300/- to Rs.1,500/-. The Petitioner admittedly has only deposited Rs.4050/- and while issuing the receipts, item numbers of the work have clearly been mentioned and when tallied with the advertisement, the total comes to Rs. 4,050/-, as per the works mentioned in the receipt.
4. Respondents No.3 and 4 also produced the Register maintained in this behalf and in this Register also against the name of Petitioner Prakash Jain, 8

works are mentioned but tender document have been issued in 5 works for which a receipt has been given by one Surit on behalf of the Petitioner. In case of the remaining three works, neither there is any seal of Chief Municipal Officer nor any signature of any person on behalf of the Petitioner.

5. Learned Counsel for the Petitioner submits that he has not been given any tender document but there is receipt of the tender document but there is a signature of one Surit. Whether there is any person by name Surit or not cannot be decided in writ proceedings where evidence is not recorded. It is a highly disputed question of fact and the Petitioner, if he so desires, may approach the Civil Court for redressal of his grievances.

6. We find no merit in the writ petitions. They are dismissed accordingly.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay K. Agrawal)
JUDGE