

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.14981 OF 2016

P.Srinivasan

.. Petitioner

Versus

The Commissioner
Dharmapuri Municipality
Dharmapuri.

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to conduct a proper tender in a transparent manner after giving wide publicity and proper notice and tender forms to the interested persons, including the petitioner in accordance with the Tamil Nadu Transparency of Tender Act, 1998 and Tamil Nadu Transparency of Tender Rules 2000.

For Petitioner : Ms.P.Mahalakshmi

For Respondent : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard Ms.P.Mahalakshmi, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, accepting notice on behalf of the respondent.

2.With the consent of learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

3.The petitioner has participated in a tender invited by the respondent Municipality for lease of shop owned by the Municipality. For certain reasons, the tender was postponed, as a result of which, none of the intending bidders, including the petitioner, could participate in the tender. Now, the petitioner seeks for a direction upon the respondent Municipality to conduct a proper tender, in a transparent manner, by following the provisions of the Tamil Nadu Transparency of Tender Act, 1998 and the rules framed thereunder.

4.The relief sought for by the petitioner cannot be opposed by the respondent Municipality, as they are bound to follow the provisions of the Act and the Rules, and there is a statutory duty cast upon them, to conduct tender in a proper and fair manner, giving opportunity to all the bidders to participate in the tender. Though the tender has been postponed, on account of the Assembly Election and the Model Code of Conduct, being in force, the tender cannot be conducted till the elections are over. Therefore, when the respondent Municipality proposes to conduct tender, it has to necessarily issue a fresh notification and follow the provisions of the Tamil Nadu Transparency of Tender Act, 1998 and the rules framed thereunder.

5.The writ petition is disposed of with the above observation and direction. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

TK

To

The Commissioner
Dharmapuri Municipality
Dharmapuri.

1 cc to M/s.V. Jayaprakash Narayanan, Advocate, Sr. 25200
1 cc to Mr.P. Mahalakshmi, Advocate, Sr. 24908

WEB COPY

W.P.NO.14981 OF 2016

AD (CO)
kk 10/5