

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P. No. 16093 of 2015

&

M.P. Nos. 1 & 2 of 2015

A. Gudalur Village Panchyat
rep. by M. Rajendran
A. Gudalur Village,
Villupuram District.

..Petitioner

Vs.

1. The District Collector/
Chairman,
District Rural Development
Agency,
Villupuram District,
Villupuram.

2. The Block Development Officer,
(Village Panchayat),
Mugaiyur Panchayat Union,
Villupuram District.

3. The Project Director,
District Rural Development Agency,
Villupuram,
Villupuram District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relating to the tender notice dated 29.05.2015 in Na.Ka.No. Aa1/4905/2014 issued by the 2nd respondent, quash the same in so far as the petitioner panchayat is concerned and direct the respondents either to permit the petitioner to execute the work through the Village Panchayat Department or through open tender in Panchayat level.

For Petitioner :: Mr.N. Manokaran

For Respondents:: Mr.V. Subbiah,
Special Govt.Pleader

O R D E R

The petitioner is the President of Gudalur Village Panchayat. By the proceedings of the 1st respondent dated 13.05.2015, administrative sanction has been accorded for the execution of works under THAI (Tamil Nadu Village Habitations Improvement Scheme) for improvement of basic amenities and infrastructure of 18 villages, of which the petitioner's village is one. As per the guidelines, after the completion of survey of all habitations in the District, the Committee consisting of Village Panchayat President concerned, Block Development Officer (Village Panchayats) and Assistant Engineer (RD)/Block Engineer of the concerned Block will finalise the works to be taken up in each of the habitations of the Village Panchayat. A sum of Rs.20 lakhs has been allotted for each of the 18 villages under the said Scheme. The petitioner has come forward to file this writ petition with the grievance that as per the tender notice, only the registered contractors of the Panchayat Union are permitted to do the work and not others. According to the petitioner, the conduct of the respondents in not permitting the contractors at the Village Panchayat level to do the work amounts to distinctive discrimination, which is not proper.

2. In the counter affidavit filed by the 1st respondent, it has been stated as follows:

"8. Regarding grounds of the affidavit, it is submitted that the 2nd respondent, Block Development Officer (VP), Mugaiyur, being tender inviting and accepting authority vide G.O.(Ms) No. 70 dated 29.04.2015 has issued Tender Notification in Roc. No. B1/4905/2014 dt. 29.05.2015 inviting tenders before 3 p.m. On 12.06.2015 to execute various infrastructure and basic amenities works in 18 habitations of 18 Village Panchayats pertaining to 2015-16 and has also published in the local dailies in compliance with the instructions issued in Tamil Nadu Transparency in Tender Act, 1998 and Rules 2000 and also adhering to the tender procedures as prescribed in G.O.(Ms.) No. 203, R.D. & P.R. (PRI) Department dated 20.12.2007 and it is open tender notification and based on which the registered contractors of Panchayat Union, Mugaiyur and District Level Contractors (viz. DRDA, etc) can participate in the tender and there is no act of distinctive discrimination as contended by the petitioner."

3. In matters like this, power of judicial review of this Court is very limited. Perhaps, there is a rationale behind in not allowing contractors at the Village Panchayat level to participate, as it might lead to the work being affected. It is

not as if the contractors of the Panchayat Union alone are allowed to execute the work. Even the District Level contractors have been permitted. Such registered contractors of the Panchayat Union or District Level contractors might even belong to the village, for whose benefit, the scheme was formed. Further, it is seen that the above said two categories of contractors, in the view of the official respondents, would do a better job.

4. Therefore, this Court does not find any arbitrariness or illegality in the action of the respondents. However, it is made clear that the respondents will have to permit the District Level Contractors also to participate along with registered contractors of Panchayat Union and they shall be supplied with tender documents. With the above observation, the writ petition stands disposed of. No costs. Connected M.Ps are closed.

nv

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District Collector/
Chairman,
District Rural Development
Agency,
Villupuram District,
Villupuram.
2. The Block Development Officer,
(Village Panchayat),
Mugaiyur Panchayat Union,
Villupuram District.
3. The Project Director,
District Rural Development Agency,
Villupuram,
Villupuram District.

+ 1 cc to Mr.N.Manokaran, Advocate SR 1024

+ 1 cc to Govt.Pleader SR 983

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