

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No. 2008 of 2016

M/s.Sri Shanmuga Builders,
represented by its Managing Partner
Mr. P. Kumar

.. Petitioner

Vs

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

2. The Project Director,
District Rural Development Agency,
Dharmapuri, Dharmapuri District.

3. The Executive Engineer,
Rural Development Agency,
Dharmapuri-5.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to inspect the petitioner machinery and issue required machinery certificate as requested by the petitioner's application dated 11.1.2016 for tender in Roc.No.862/2015/R5 dated 7.1.2016.

For Petitioner : Mr.M.S.Palanisamy

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

COMMON ORDER

The Petitioner has come forward with this Writ Petition seeking for a direction directing the respondents to issue machinery certificate after inspecting the machinery of the petitioner as requested by the petitioner's application dated 11.1.2016.

2. Heard Mr.M.S.Palaniswamy, learned counsel appearing for petitioner and Mr.V.Subbiah, learned Special Government Pleader appearing for the respondents.

3. The petitioner is the Managing Partner of a partnership firm viz., M/s. Sri Shanmuga Builders. The main business of the petitioner firm is to undertake building constructions, laying roads and other such construction works with the Central and state Governments. For the past 9 years, the petitioner firm has been participating in the tender floated by the Government and has been successful in obtaining various major contracts.

4. Whiles, the 2nd respondent invited tenders on behalf of Government of Tamilnadu in electronic tendering system for construction of roads under Scheme Component of Pooled Assigned Revenue (SCPAR) (Roads and Bridges) 2015-2016 through e-procurement. Along with tender application, it is mandatory that the petitioner should submit a machinery certificate to the effect that they possess requisite machinery to undertake the work from the respondents. The petitioner submitted its application dated 11.1.2016 to the respondents requesting them to inspect and issue machinery certificate. The last date for submitting E-tender is 22.01.2016. Even though the petitioner submitted its application on 11.1.2016 to the respondents requesting them to inspect the machinery and issue machinery certificate, till date, no inspection is conducted by the respondents. Hence the petitioner is before this Court.

5. The limited prayer in this Writ Petition is to inspect the petitioner's machinery by the respondent authorities for issuance of required machinery certificate as requested by the petitioner by its representation dated 11.1.2016.

6. Today, when the matter is taken up for hearing, the learned Special Government Pleader fairly submitted that the prayer of the petitioner would be considered and the machineries would be inspected and necessary certificate would be issued. Such submission made by the learned Special Government Pleader is recorded.

7. In view of the submission made by the learned Special Government Pleader, this Writ Petition is disposed of by directing the respondent authorities to inspect the machineries of the petitioner and issue necessary machinery certificate. The petitioner is also directed to approach the respondent authorities with a copy of this order along with the representation of the petitioner to enable the authorities to proceed further.

8. With the above direction, this writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman/District Collector,
District Rural Development Agency,
Dharmapuri, Dharmapuri District.
2. The Project Director,
District Rural Development Agency,
Dharmapuri, Dharmapuri District.
3. The Executive Engineer,
Rural Development Agency,
Dharmapuri-5.

+1cc to Mr.M.S.Palanisamy, Advocate, S.R.No.3507

+1 cc to Govt.Pleader,SR.3754. (6/5/16)

W.P.No. 2008 of 2016

srg(21/01/2016)

सत्यमेव जयते

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