

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.Nos31502 of 2013 and 12891 of 2014
and
M.P.Nos.1 of 2013 and 1 of 2014

P.Arul Kumar

... Petitioner in both the
writ petitions

Vs.

The District Forest Officer
Tiruvannamalai South Forest Division
Tiruvannamalai.

... Respondent in
W.P.No.31502 of 2013

1.The District Forest Officer
Tiruvannamalai South Forest Division
Tiruvannamalai.

2.Mani

... Respondents in
W.P.No.12891 of 2014

Prayer in W.P.No.31502 of 2013: The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of certiorari/mandamus, to call for the records of the respondent made in Proceedings in Na.Ka.No.5148 of 2013/PA2, dated 8.11.2013 and quash the same and consequently, direct the respondent to accept the tender documents submitted by the petitioner for supply of good and fresh quality Beef diet to the crocodile farm at Sathanur Dam, Tiruvannamalai District.

Prayer in W.P.No.12891 of 2014: The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, forbearing the first respondent from in any way proceeding or finalising or issuing any allotment order to the second respondent for supply of good and fresh quality of Beef diet to the crocodile farm at

Sathanur Dam, Tiruvannamalai District, and consequently, direct the first respondent to conduct the Public Auction by following Tamil Nadu Transparency in Tenders Act and Rules made thereunder by giving wide Wide publication so as to enable all eligible tenderers to participate the same.

For Petitioner : M/s.N. Umapathy

For Respondent No.1 : Mr.Akhil Akbar Ali
for Mr.M.K. Subramanian
Special Govt. Pleader (F)

For Respondent No.2
in W.P.No.12891 of
2014 : Mr.Akhil Akbar Ali
for Mr.M.K. Subramanian
Special Govt. Pleader (F)

COMMON ORDER

Both the above writ petitions have been taken up for hearing, together, as the issues arising in the writ petitions are common in nature and a common order is passed.

2. Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsel, appearing on behalf of the first respondent. There is no appearance for the second respondent, in W.P.No.12891 of 2014.

3. The writ petition, in W.P.No.31502 of 2013, has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Certiorari filed Mandamus, calling for the records, from the file of the respondent therein, relating to his Proceedings, in Na.Ka.No.5148 of 2013/PA2, dated 8.11.2013, and quash the same and consequently, direct the said respondent to accept the tender documents submitted by the petitioner, for the supply of diet, namely, good and fresh quality of Beef, to the Crocodile Farm, at Sathanur Dam, Tiruvannamalai District.

4. The writ petition, in W.P.No.12891 of 2014, has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, forbearing the first respondent from, in any way, proceeding or finalising or issuing any allotment order to the second respondent, for the supply of diet, namely, good and fresh quality of Beef, to the crocodile farm at, Sathanur Dam, Tiruvannamalai District, and consequently, direct the first respondent to conduct the Public Auction, as per the Tamil Nadu Transparency in Tenders Act, 1998 and the Rules made thereunder.

5. At this stage of the hearing of the writ petitions, the learned counsel, appearing on behalf of the petitioner, has submitted that the petitioner has been supplying the beef, to the Crocodile Farm in question, till date, pursuant to the interim order passed by this Court, dated 30.4.2014, made in W.P.No.12891 of 2014 and in view of Clause 24 of the terms and conditions of the agreement incorporated in the Tender and Contract Form, entered into between the petitioner and the District Forest Officer, Tiruvannamalai South Forest Division, Tiruvannamalai.

6. It has been further submitted that the Tender Notification was issued by the District Forest Officer, Tiruvannamalai South Forest Division, for the period, from 1.11.2013 to 31.1.2014.

7. The learned counsel, appearing on behalf of the first respondent, had submitted that the said period had already expired and therefore, the first respondent may be permitted to issue a fresh tender notification, for conducting a tender, for the supply of beef to the Crocodile Farm, at Sathanur Dam, Tiruvannamalai District, by following the necessary formalities, as prescribed by law.

8. In view of the said submissions made by the learned counsel, appearing on behalf of the official respondent, in the above writ petitions, the District Forest Officer, Tiruvannamalai South Forest Division, is permitted to issue a fresh notification for conducting a tender, for the supply of Beef to the Crocodile Farm, at Sathanur Dam, Tiruvannamalai District, by following the necessary formalities, as prescribed by law, as expeditiously as possible.

9. It is made clear that the petitioner, shall continue to supply the diet, namely, good and fresh quality of Beef, to the Crocodile Farm at Sathanur Dam, Tiruvannamalai District, at the present rate, till the new successful bidder, commences the supply of the diet.

The writ petitions are disposed of, with the above directions. No costs. Connected M.Ps. are closed.
rnb

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

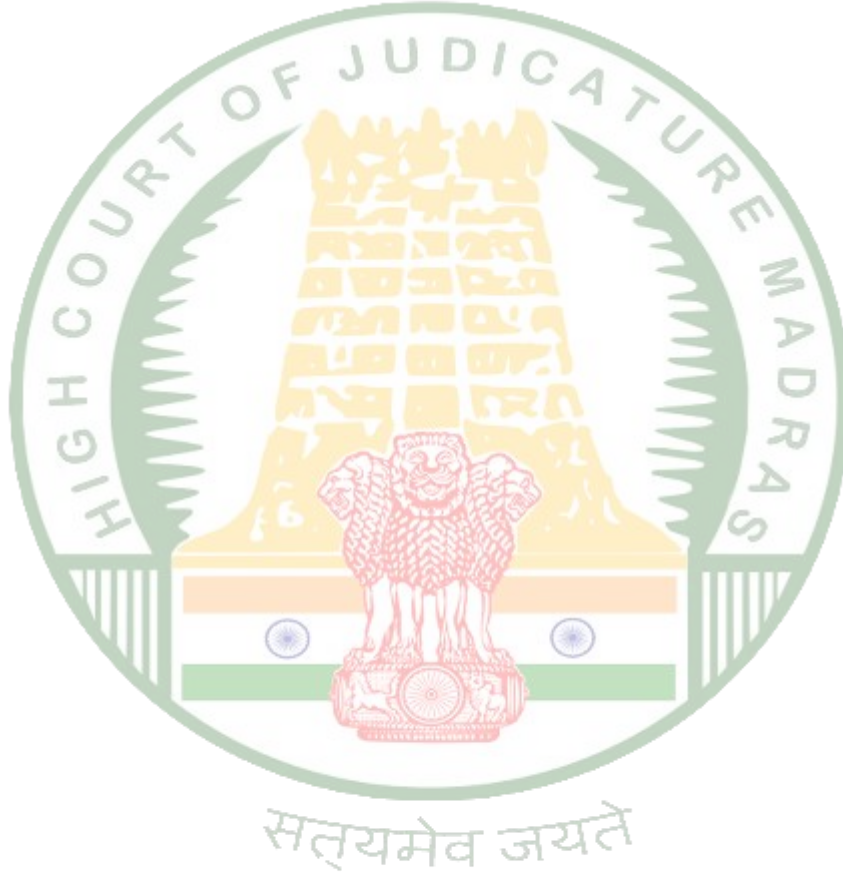
To

The District Officer
Tiruvannamalai South Forest Division
Tiruvannamalai.

+ 1 cc to Spl. Govt.Pleader SR 44317

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and
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