

N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016
CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 30916 of 2016

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S. Rajalingam

.. Petitioner

Versus

1. Government of Tamil Nadu
represented by its Additional Chief Secretary
to Government
Highways & Minor Ports Department
Fort St. George, Secretariat
Chennai - 600 009
2. Divisional Engineer (National Highways)
Highways Department
Jawaharlal Nehru Road
Arumbakkam, Chennai - 600 106 ..Respondents

Petition filed under Article 226 of The Constitution of India praying for issuing a Writ of Certiorarified Mandamus calling for the records from the second respondent relating to the Tender notification No.2/2016-2017/Va.Tho.A dated 01.07.2016 read with tender notification No.3/2016-2017/Va.Tho.A dated 06.07.2016 and read with Tender Notification No.4/2016-2017/Va. Tho.Aa, dt.08.07.2016 issued by the second respondent with respect to the auction for cutting and removing the trees in the Tiruvannamalai-Villupuram National Highways 234 read with all actions/proceedings of the respondents in this regard, quash the same and consequently direct the respondents 1 and 2 to publish the tender notification in news papers and other journals as per Section 9 (3) of the Tamil Nadu Transparency in Tenders Act, 1998, permit all the aspirants including the petitioner to participate in the process and award tender to the successful bidder and following the due procedure mentioned in the said Act.

For Petitioner : Mr. S. Saravanakumar

For Respondents : Mr. S.T.S. Murthi
Additional Advocate General
assisted by Mr. R.A.S. Senthilvel
Additional Government Pleader

ORDER

for both sides, this court directed the petitioner herein to deposit a sum of Rs.75,00,000/- and his offer will start from Rupees One Crore. However, before the raising of the Court during lunch hour, at 1.30 p.m. the learned counsel for the petitioner made a mentioning to re-hear the case as he had obtained instructions from the petitioner. Accordingly, the writ petition was taken up for hearing at 2.15 p.m.

2. During the course of hearing, the learned counsel for the petitioner submits that most of the trees have been cut and carried away by the contractors and in such event, even if the petitioner succeeds in the writ petition, by that time, the petitioner will have no trees to be cut. The learned counsel for the petitioner also further submits that in such a circumstance, the petitioner is not willing to deposit a sum of Rs.75,00,000/- as directed by this Court. The learned counsel for the petitioner therefore submits that he was instructed by the petitioner to withdraw this writ petition. He has also made an endorsement to that effect.

3. In view of the above, the writ petition is dismissed as withdrawn. No costs. Consequently, WMP Nos. 26783 and 26784 of 2016 are closed.

rsh

Sd/-
Assistant Registrar (CS-II)
/TRUE COPY/
Sub-Assistant Registrar

To

1. Government of Tamil Nadu
represented by its Additional Chief Secretary
to Government
Highways & Minor Ports Department
Fort St. George, Secretariat
Chennai - 600 009
2. Divisional Engineer (National Highways)
Highways Department
Jawaharlal Nehru Road
Arumbakkam, Chennai - 600 106

+1CC to MR.S.SARAVANAKUMAR Advocate SR.NO.51507

WP No. 30916 of 2016

CNR[CO]
MK:19/10/2016

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