

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No. 37042 of 2016

&

W.M.P. No. 31842 of 2016

V. Jayanthi

..Petitioner

Vs.

1. Union of India, rep. by Government of Puducherry through Secretary to Government, Local Administration Department, Chief Secretariat, Puducherry.
2. The Director, Local Administration Department, Government of Puducherry, Puducherry.
3. The Deputy Director (Rural), Local Administration Department, Puducherry.
4. The Commissioner, Nettapakkam Commune Panchayat, Nettapakkam, Puducherry.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to consider and select the petitioner to the contract of removal of garbage from various places as per notification file No: 1-248/2016 (Admn.) N.C.P. dated 01.09.2016 issued by the 4th respondent with all other consequential benefits.

For Petitioner :: Mr.C. Radjasegarane
For Respondents :: Mr.C.T. Ramesh,
 Addl. Govt. Pleader (P)

O R D E R

The petitioner has come before this Court seeking a Writ of Mandamus directing the respondents to consider and select the petitioner to the contract of removal of garbage from various places as per notification file No: 1-248/2016 (Admn.) N.C.P. dated 01.09.2016 issued by the 4th respondent with all other consequential benefits.

2. According to the petitioner, she had submitted her tender application form, pursuant to the impugned notification issued by the 4th respondent calling for tenders for removal of garbage in Nettapakkam Commune Panchayat. Subsequently, the petitioner was informed that the eligible seven contractors would be selected by drawing of lots on 26.09.2016 at 2.30p.m. at the office of the Commissioner of Nettapakkam Commune Panchayat, Puducherry. On the said date, when the petitioner appeared at the aforesaid office, at the specified time, she was prevented from entering the premises and she was orally informed that the work of removal of garbage had already been awarded to successful tenderers. However, according to the petitioner, neither the list of persons, to whom the tender was awarded had been published nor the work order had been issued. Therefore, the petitioner submitted representations on 26.09.2016, 27.09.2016 and 28.09.2016 to cancel the auction and requested the authorities to go for online auction. Since there has been no response from the respondents, the petitioner has come forward with the present writ petition.

3. Heard Mr.C. Radjasegarane, learned counsel for the petitioner and Mr.C.T. Ramesh, learned Additional Government Pleader (Pondicherry) for the respondents.

4. It is represented by the learned Additional Government Pleader that the auction conducted in respect of removal of garbage pursuant to the impugned notification file No.1-248/2016 (Admn.) N.C.P. dated 01.09.2016 has been cancelled and a fresh auction is going to be held.

5. Since the auction conducted, pursuant to the impugned notification, itself has been cancelled, the question of directing the respondents to consider the petitioner, with regard to awarding of contract for removal of garbage, does not arise. However, it is needless to state that it is always open

to the petitioner to take part, whenever fresh auction notification is issued. The writ petition is disposed of with the above direction. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary to Government,
Local Administration Department,
Chief Secretariat, Puducherry.
2. The Director,
Local Administration Department,
Government of Puducherry,
Puducherry.
3. The Deputy Director (Rural),
Local Administration Department,
Puducherry.
4. The Commissioner,
Nettapakkam Commune Panchayat,
Nettapakkam,
Puducherry.

+1cc to Mr. C. Radjasagamane, Advocate, S.R.No.61244

+1cc to the Government Pleader, S.R.No.61037

ssk (CO)

md (09/11/2016)

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