



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.11.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.11694 of 2015

and

M.P(MD)No.3 of 2015

N.Rajakumar

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Assistant Director of Town Panchayat,
Collector's Office,
Nagercoil.

3. The Executive Officer,
Thengamputhoor Town Panchayat,
Thengamputhoor Post,
Kanyakumari District.

4. The President,
Thengamputhoor Town Panchayat,
Thengamputhoor Post,
Kanyakumari District.

5.N.Raghavan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to follow the procedure as contemplated in Tamilnadu Transparencies in Tenders Act, 1988, by issuing fresh tender notification to the 21 items of work mentioned under three different heads as stated in the notice, dated 01.07.2015.

For Petitioner : Mr.Niranjana S.Kumar

For R-1 & R-2 : Mr.K.Mahesh Raja
Government AdvocateFor R-3 : Mr.S.Sadeshkumar,
Additional Government Pleader

For R-4 : Mr.M.Saravanan

For R-5 : Mr.P.Thiyagarajan for
Mr.P.T.Ramesh Raja

**ORDER**

This Writ Petition has been filed by the petitioner challenging the tender called for by the third respondent panchayat for doing 21 items of work in the third respondent panchayat.

2. The main allegation of the petitioner is that the petitioner is the Ward Member in the above said panchayat and he has challenged the above said auction notification on the ground that there are irregularities in conducting the public auction and without following the procedures, the third respondent conducted the auction and even in the meeting, where the proposals were approved, the petitioner did not accept the proposals, but in the Minute Books, it was recorded that the petitioner accepted the proposals. Apart from that, the fifth respondent, who was a successful bidder in the tender is the binami of the fourth respondent panchayat president. In this regard, he has made a representation to the District Collector, Kanyakumari District, on 03.07.2015. But, so far no action has been taken by the District Collector. Hence, he has filed this Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 to 5.

4. Since the allegations made in this Writ Petitions are disputed questions with regard to conduct of auction and since the petitioner had already made a representation before the District Collector on 03.07.2015, without going into the merits of the case, the first respondent is directed to consider the petitioner's representation, dated 03.07.2015 and pass orders on the same, after giving opportunity of hearing to the petitioner as well as all the contesting parties, within a period of twelve weeks from the date of receipt of a copy of this order.

5. At this juncture, the learned counsel appearing for the petitioner contended that the fifth respondent did not even commence the work.

6. However, the learned counsel appearing for the fifth respondent disputed the same and the fifth respondent had already completed the work and is awaiting for payment and in view of the interim order granted in this Writ Petition, he is yet to receive payment.

7. In such circumstances, it is made clear that if the work is not completed as on today, the fifth respondent is directed not to complete the work till the enquiry completed and orders passed by the first respondent/District Collector, Kanyakumari District and if the work is completed, the fifth respondent is at liberty to proceed further.



This Writ Petition is disposed of with the above observations and direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar

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Sub Assistant Registrar

To

1.The District Collector,Kanyakumari District, Nagercoil.

2.The Assistant Director of Town Panchayat,
Collector's Office,Nagercoil.

3.The Executive Officer,Thengamputhoor Town Panchayat,
Thengamputhoor Post,Kanyakumari District.

4.The President,Thengamputhoor Town Panchayat,
Thengamputhoor Post, Kanyakumari District.

+1cc to M/s.Niranjana S.Kumar, Advocate, in SR No.71586.

+1cc to M/s.P.T.Ramesh Raja, Advocate, in SR No.71845.

+1cc to M/s.R.Subramanian, Advocate, in SR No.71846.

W.P (MD) No.11694 of 2015
22.11.2016

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