



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.18396 of 2016

and WMP(MD) Nos.13233 & 13234 of 2016

Vijayashankar

...Petitioner

-vs-

1. The Commissioner,
Commissionerate of Municipal Administration
and Water Supply Department,
6th Floor Ezhilagam Annex Building,
Kamarajar Salai, Chepauk,
Chennai-600 005.

2. The Commissioner,
Puliangudi Municipality,
Puliangudi,
Tirunelveli District.

3. V.Murugan

4. R.Paulraj

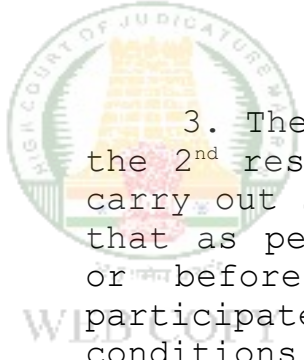
...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to take action on the petitioner's representations dated 17.08.2016 and 23.08.2016, seeking to take action for the illegal issuance of work order for the work stated in Tender Notice in Na.Ka.0366/2016/E1 dated 12.02.2016, issued by the 2nd respondent.

For Petitioner : Mr.R.J.Karthick
For R1 & R2 : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader
For R3 : Mr.N.S.Karthikeyan

O R D E R

Contending that the award of work order in respect of Tender Notice in Na.Ka.0366/2016/E1 dated 12.02.2016, issued by the 2nd respondent in favour of the 3rd and the 4th respondents is arbitrary and illegal, this writ petition has been filed, seeking to direct the 1st respondent to probe into the illegal issuance of work order, on the basis of the petitioner's representations dated 17.08.2016 and 23.08.2016.



3. The case of the petitioner is that he is a Contractor under the 2nd respondent and the 2nd respondent issued a Tender Notice to carry out six works as stated in the proceedings dated 12.02.2016; that as per the tender notice, the tender has to be submitted on or before 04.03.2016 before 3pm; that the petitioner also participated and complied with all the conditions; that one of the conditions under the provisions of Tamil Nadu Transparency in Tender Rules, 2000 is as under:

"6. Earnest money to accompany the tender shall be 1% of the estimated cost either by payment to the Municipal Treasury, Kissan Vikas Patra, N.S.S. Certificate pledged in the name of the Municipal Commissioner. Tenders unaccompanied by earnest money in the prescribed format shall be summarily rejected."

3.1. Though the petitioner has complied with the said condition and in spite of the fact that the 3rd and 4th respondents have not pledged the NSS Certificate in the name of the 2nd respondent, the 2nd respondent has awarded the contract in favour of the 3rd and 4th respondents, which is totally against the norms and procedures prescribed under Tender Rules. So enlisting the irregularities committed by the 2nd respondent, the petitioner has submitted representation dated 17.08.2016 followed by a reminder dated 23.08.2016 to the 1st respondent, which did not evoke any response so far and hence, the petitioner is before this Court with the relief stated supra.

4. In view of the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the 1st respondent to consider the representations dated 17.08.2016 and 23.08.2016 of the petitioner and pass suitable orders thereon within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed. Petition is disposed of.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:

1. The Commissioner,
Commissionerate of Municipal Administration
and Water Supply Department,
6th Floor Ezhilagam Annex Building,
Kamarajar Salai, Chepauk,
Chennai-600 005.



2. The Commissioner,
Puliangudi Municipality,
Puliangudi,
Tirunelveli District.

WEB COPY

+1cc to M/s.R.J.Karthick, Advocate in SR.60204

+1cc to M/s.T.S.Mohamed Mohideen, Advocate in SR.60233

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ar.

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