

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM :

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.1108 of 2017

V.Rajendran

... Petitioner

vs.

1. The Principal Secretary to Government
Rural Development and
Panchayat Raj (S.G.S-1) Department,
Secretariat, Chennai - 600 009.
 2. The Director
Rural Development and Panchayat Raj,
Chennai - 600 015.
 3. The Project Director
District Rural Development Agency,
Nagercoil, Kanyakumari District.
 4. The District Collector
Kanyakumari District,
Nagercoil.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the first respondent to relax the tender condition (iv) under caption 7 Tendering in the guideline annexed to G.O.Ms.No.129, dated 25.10.2016 of the first respondent, as requested by the petitioner in his representation, dated 28.11.2016.

For petitioner : Mr.P.Selvaraj

For respondents : Mr.R.Govindasamy, Spl.G.P

ORDER

This writ petition has been filed by V.Rajendran, seeking writ of mandamus to direct the Principal Secretary to Government, Rural Development and Panchayat Raj (S.G.S-1) Department, the first respondent herein to relax the tender condition (iv) under caption 7 Tendering in the guideline annexed to G.O.Ms.No.129, dated 25.10.2016 of the first respondent, as requested by the petitioner in his representation, dated 28.11.2016.

2. Mr.R.Govindasamy, learned Special Government Pleader takes notice.

3. The petitioner is a works contractor and he has been doing civil works in Panchayat and Panchayat unions. The first respondent had issued G.O.Ms.No.129, Rural Development and Panchayat Raj (S.G.S-1) Department, dated 25.10.2016, introducing several conditions. In the Annexure, paragraph 7 under the head Tendering, it is stated that for the purpose of tendering the works in a block shall be packaged component wise.

4. Learned counsel appearing for the petitioner would submit that because of the package system introduced for the first time in the said G.O.Ms.No.129 mentioned above, small contractors like the petitioner will be losing their livelihood and the big contractors will only be benefited. On the other hand, big contractors will also be getting benefited. In otherwise, small time contractors like the petitioner shall not be in a position to take part in any public auction and he would further submits that if the earlier system under THAI-I is followed, the works also will be done quickly as many small contractors were involved in the said THAI-I scheme, whereas under the THAI-II scheme / program, the works will not be taken up on the fast track as one big contractor has to do all the works. Therefore, representation has been given by the petitioner to the first respondent seeking to relax the Guideline under the heading under Paragraph 7 "Tendering".

5. Instead of the first respondent considering the petitioner's representation, the Director of Rural Development and Panchayat Raj, Chennai, the second respondent herein has disposed of the representation. When the Principal Secretary to the Government, Rural Development and Panchayat Raj (S.G.S-I) Department has issued G.O.Ms.No.129, Rural Development and Panchayat Raj (S.G.S-1) Department, dated 25.10.2016, giving certain guidelines to be followed, the representation given to the first respondent marking a copy to the second respondent cannot be closed by the second respondent. Therefore, it would be appropriate if the first respondent is directed to consider the plight of the petitioner and pass appropriate orders.

6. Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents sought time to take written instructions. But this Court is not inclined to waste the time of the first respondent. Therefore, it deems fit to direct the first respondent to consider the pending representation of the petitioner on merits. The learned Special Government Pleader sought for 12 weeks time to dispose of the same, but this Court hereby grants four weeks time. Accordingly, the first respondent is directed to consider the representation of the petitioner, dated 28.11.2016 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

tsvn

To

1. The Principal Secretary to Government
Rural Development and
Panchayat Raj (S.G.S-1) Department,
Secretariat, Chennai - 600 009.
2. The Director
Rural Development and Panchayat Raj,
Chennai - 600 015.
3. The Project Director
District Rural Development Agency,
Nagercoil, Kanyakumari District.
4. The District Collector
Kanyakumari District, Nagercoil.

+1cc to Mr. P.Selvaraj, Advocate sr.3010

W.P.No.1108 of 2017

lrs(co)
ss(23/01/2017)

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