

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.Nos.33634 & 33635 of 2017

and

WMP.Nos.37215 to 37218 of 2017

Arunai Constructions
Rep. by its Partner
D.Vengatesan

... Petitioner
(in both WPs)

versus

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Highways Department
Fort St.George
Chennai-600 009.

2. The Superintending Engineer
National Highways, Chennai Circle
Chennai-600 106.

3. The Divisional Engineer (H)
National Highways Department
No.18, Thulasingham Pillai Street
I Floor, Vadivel Nagar,
Sankaranpalayam, Vellore - 632 001.

...Respondents
(in both WPs)

Writ Petition No.33634 of 2017 filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the 2nd respondent from proceeding with the tender in respect of Tender Notice No.05/HDO/NH/2017-2018 dated 21.11.2017 in respect of the work of strengthening from Km.11/0-19/8 and improvements to Km.11/0-19/8 of Arcot Tindivanam Road without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

Writ Petition No.33635 of 2017 filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the 2nd respondent from proceeding with the tender in respect of Tender Notice No.07/HDO/NH/2017-2018 dated 28.11.2017 in respect of the work of "improvements to Km5/0 - 9/2 and Km.10/4 - 14/6 of Arni - Padavedu Road" under Revamped Central Road Fund

Scheme, without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

For Petitioner : Mr.AR.L.Sundaresan
Senior counsel for Mrs.AL.Gandhimathi
(in both Wps)

For Respondents: Mr.R.Govindasamy
Special Government pleader
(in both WPs)

C O M M O N O R D E R

In both these writ petitions, the petitioner, who is one and the same, seeks for mandamus forbearing the 2nd respondent from proceeding with the tender in respect of Tender Notices dated 21.11.2017 and 28.11.2017, in respect of the work of strengthening from Km.11/0-19/8 and improvements to Km.11/0-19/8 of Arcot Tindivanam Road and "improvements to Km5/0 - 9/2 and Km.10/4 - 14/6 of Arni - Padavedu Road" under Revamped Central Road Fund Scheme, without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

2. Heard Mr.AR.L.Sundaresan, learned Senior counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The grievance of the petitioner is that the third respondent without considering the petitioner's request for issuing the quality certificate is trying to proceed with the finalisation of the subject matter tenders which would affect the interest of the petitioner as they could not participate in the tender process, without such quality certificate.

4. The learned Senior counsel appearing for the petitioner submitted that the petitioner made applications before the third respondent on 11.12.2017, which were received by the third respondent on 13.12.2017, and inspite of receiving the same, the third respondent has not issued the certificate so far.

4. The learned Special Government Pleader, based on written instructions, submitted that the petitioner's applications are being processed and appropriate orders will be passed within a short time.

5. Considering the fact that the last date for submitting the tender applications are on 28.12.2017 and 04.01.2018 in the respective writ petitions, the third respondent is directed to pass necessary orders on or before 26.12.2017. Since the grievance of the petitioner for issuing quality certificate is to be considered by the third respondent as per the undertaking

given before this Court, as stated supra, the consideration of the other limb of the prayer does not arise. Accordingly, these writ petition are disposed of, by directing the third respondent to consider the petitioner request and pass orders on the same on or before 26.12.2017.

6. The learned Special Government Pleader fairly submitted that he would give appropriate instructions to the third respondent to comply with the order without furnishing a copy of the same. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary to Government
The State of Tamil Nadu
Highways Department
Fort St.George
Chennai-600 009.
- 2.The Superintending Engineer
National Highways, Chennai Circle
Chennai-600 106.
- 3.The Divisional Engineer (H)
National Highways Department
No.18, Thulasisingam Pillai Street
I Floor, Vadivel Nagar,
Sankaranpalayam, Vellore - 632 001.

+ 2 cc to Mrs.AL.Gandhimathi Advocate,SR.92168,92169

W.P.Nos.33634 & 33635 of 2017

nr 22/12/2017