

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.Nos.33943 & 33944 of 2017

and

WMP.Nos.37651 to 37654 of 2017

G.Sakthivel

... Petitioner in both WPs

versus

1. The Chief Engineer, (H)
National Highways,
Chennai - 600 025.

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

3. The Divisional Engineer (H)
Quality Control Division,
Guindy,
Chennai - 600 025.

... Respondents in both WPs

Writ Petition No.33943 of 2017 filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the 2nd respondent from opening the tender document in Tender Notice No.05/HDO/ NH/ 2017-2018 dated 21.11.2017 work in Widening from SL to DL and improvements to km 5/4-14/4 of Central Jail-Amirthi Road without issuing the quality certificate to the petitioner and receiving the bids of the petitioner as well.

Writ Petition No.33944 of 2017 filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the 2nd respondent from opening the tender documents in Tender Notice No.05/HDO/ NH/ 2017-2018 dated 21.11.2017 work in Widening from SL to DL and improvements to km 2/0-8/0 of Jaffrabad Velathigamanibenda Road without issuing the quality certificate to the petitioner and receiving the bids of the petitioner as well.

For Petitioner : Mr.E.Sathiyaraj
both WPS
For Respondents: Mr.R.Govindasamy
in both WPS Special Government pleader

C O M M O N O R D E R

In both these writ petitions, the petitioner is one and the same, seeking for mandamus forbearing the 2nd respondent from opening with the tender in respect of Tender Notices dated 21.11.2017, in respect of the work of widening from SL to IL and improvements to km 5/4-14/4 of Central Jail-Amirthi Road and improvements to km 2/0-8/0 of Jaffrabad Velathigamanibenda Road, without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

2. Heard Mr.E.Sathiyaraj, learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The grievance of the petitioner is that the respondents without considering the petitioner's request for issuing the quality certificate, trying to proceed with the finalisation of the subject matter tenders which would affect the interest of the petitioner, by preventing the petitioner from participating in the tender process, without such quality certificate.

4. The learned counsel appearing for the petitioner submitted that the petitioner made applications before the respondents on 19.12.2017, but the respondents have not issued the certificate so far.

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

6. Considering the fact that the last date for submitting the tender applications are on 28.12.2017, 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 petitions 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.

7. The learned Special Government Pleader fairly submitted that he would give appropriate instructions to the third

respondent to comply with the order without waiting for serving a copy of the same. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Chief Engineer, (H)
National Highways,
Chennai - 600 025.

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

3.The Divisional Engineer (H)
Quality Control Division,
Guindy,
Chennai - 600 025.

+2cc to Mr.E.Sathiyaraj, Advocate in sr.no.92336,92337

W.P.Nos.33943 & 33944 of 2017

sv(co)
nr 26/12/2017

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