

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.Nos.33945 & 33946 of 2017
and
WMP.Nos.37655 to 37658 of 2017

S.P.Ganesan ... Petitioner in both WPs
versus

1. The Chief Engineer, (H)
C & M, Chennai Circle,
Chennai - 600 025.
2. The Superintending Engineer
Highways Department,
Chennai Circle
Chennai-600 018.
3. The Divisional Engineer (H)
Quality Control Division,
Guindy,
Chennai - 600 025. ... Respondents in both WPs

Writ Petition No.33945 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 respect of Package No.45 in No.12/2017-2018/HDO dated 20-11-2017 without issuing the quality certificate to the petitioner and receiving the bids of the petitioner as well.

Writ Petition No.33946 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 respect of Package no.42 in No.12/2017-2018/HDO dated 20.11.2017 without issuing the quality certificate to the petitioner and receiving the bids of the petitioner as well.

For Petitioner : Mr.E.Sathiyaraj
in 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 documents in respect of package No.42 and package No.45 in No.12/2017-2018/HDO dated 20.11.2017, 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, which were received by the respondents on 20.12.2017 and inspite of receiving the same, 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

vsi

To

- 1.The Chief Engineer, (H)
C & M, Chennai Circle,
Chennai - 600 025.
- 2.The Superintending Engineer
Highways Department, C & M
Chennai Circle
Chennai-600 106.
- 3.The Divisional Engineer (H)
Quality Control Division,
Guindy,
Chennai - 600 108.

+2cc to Mr.E.Sathiyaraj, Advocate in sr.no.92335, 92334

सत्यमेव जयते W.P.Nos.33945 & 33946 of 2017

SV(CO)
NR 26/12/2017

WEB COPY