

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.18626 of 2017 &
W.M.P.No.20168 of 2017

Sri Lakshmi Constructions,
Rep., by Partner S.P.Munusamy,
6, Venugopal Street,
Near R.K.Hospital,
Dharmapuri - 636 701. Petitioner

Vs.

The Deputy Collector/District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Dharmapuri -5. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondent to issue the tender schedule to the petitioner for appointment of contractors for transporting Indian made Foreign Liquor and Beer boxes from the depots/godowns of Tamil Nadu State Marketing Corporation (TASMAC) to the retails shops owned by the TASMAC in Dharmapuri District pursuant to the tender notice, dated 05.07.2017, within the time frame.

For Petitioner : Mr.V.S.Sanjeevi

For Respondent : Mr.M.John Kennady

सत्यमेव जयते
O R D E R

Heard Mr.V.S.Sanjeevi, learned counsel for the petitioner and Mr.M.John Kennady, learned standing counsel for the respondent. With the consent on either side, the writ petition itself is taken up for final disposal.

2. The petitioner is before this Court praying for a direction upon the respondent to issue tender schedule to the petitioner for participating in the tender for appointment of contractors for transporting IMFL and Beer boxes from the depots/godowns of TASMAC to the retails shops owned by the TASMAC, Dharmapuri District.

3. The petitioner's case is that he is fully eligible to participate with the tender and approached the respondent along with the Demand Draft for Rs.1125/-. However the same was refused to be received. Therefore, the petitioner was compelled to send through speed post on 17.07.2017. If the tender notification provides for a particular procedure for issuance of tender documents and the applicant, if complies with the same, he is entitled to be issued such tender forms. There can be no other reason for denying the application form to a proposed tenderer.

4. The learned Standing counsel for the respondent on instructions would submit that if the petitioner approaches the respondent, the tender form will be immediately issued on receiving the demand draft.

5. Recording the submission made by the learned Standing counsel for the respondent, the Writ Petition is disposed of, by directing the respondent to issue a tender form to the petitioner after receiving the demand draft. It is made clear that the respondent shall not adopt any other tactics by refusing issuance of tender forms to the other applicants as well and if it comes to the notice of this Court, serious view will be taken and appropriate orders will be passed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

pbn

To

The Deputy Collector/District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Dharmapuri -5.

+1cc to Mr. V.Sanjeevi, Advocate Sr. 56460
+1cc to Mr.John Kennedy, Advocate Sr. 51518

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RSY(CO)
VR(21/07/2017)