

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

WRIT PETITION Nos. 33170 & 33171 of 2016

and MP Nos.28696 to 28699 of 2016

Sri Ganesh Lakshmi Construction India Private Limited,
By its Director T.Saravanakumar,
Son of Thangamuthu,
D.No.95, S.F.No.880/A1, Saliyankattupallam,
Muthur Post - 638 105, Kangayam Tk.,
Tirupur District. ... Petitioner in both the

Writ petitions

Vs.

1. The Director of Town Panchayats,
Kuralagam, Chennai. ...1st Respondent in Writ Petitions
2. The Executive Officer,
Malanur Town Panchayat,
Tirupur District.2nd Respondents in
W.P.No.33170/2016
3. The Executive Officer,
Kannivadi Town Panchayat,
Tirupur District. ...2nd Respondent in
W.P.No.33171 of 2016.

Prayer : The writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, or any other appropriate writ, order or direction in the nature of writ, to call for the records relating to the proceedings of the 2nd respondent in providing BT Road to Pammipalayam existing road in Mulanur town panchayat based on the tender notification in Na.Ka.No.313/2016 dated 26.08.2016 (e-published on 30.08.2016) and to quash the same as illegal, incompetent, irregular and Unconstitutional and consequently direct the second respondent to receive the tender application submitted by the petitioner on 12.09.2016 and act in terms of the law in W.P.No.33170 of 2016.

call for the records relating to the proceedings of the 2nd respondent in providing BT Road from Kannivadi Christian Colony road to Monganallampalayam road in Kannivadi Town Panchayat (e-published on 01.09.2016) and to quash the same as illegal incompetent irregular and Unconstitutional and consequently direct the second respondent to receive the tender application submitted by the petitioner on 12.09.2016 in W.P.No.33171 of 2016.

For Petitioner:Mr.A.R.L.Sundaresan,
Senior Counsel for
Mr.C.Selvaraj

For Respondents:Mr.Manishankar,
(In both W.Ps'
Additional Advocate General
assisted by Mr.S.N.Parthasarathy,
Government Advocate.

COMMON ORDER

The petitioner, being one of the tenderer, has come forward to file these writ petitions.

2. The learned Senior Counsel appearing for the petitioner would submit that the time provided for a period of 15 days has not been complied with.

3. The Additional Advocate General appearing for the respondent would submit that the successful tenderer has not been arrayed as a party. Even before the filing of the writ petition, the tender has been awarded to the successful tenderer and the work has almost been completed and therefore, the technical objection sought to be raised cannot be sustained. Thus, no interference is required.

4. Admittedly, the petitioner has participated. The successful tenderer has not been arrayed as a party. There is no contra material to hold that the work is not nearing completion. The petitioner has also not proved that the tender submitted by the successful tenderer is incomplete with respect to the material aspect.

5. In such view of the matter, this Court does not find any merits in these writ petitions. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Director of Town Panchayats,
Kuralagam, Chennai.
2. The Executive Officer,
Kannivadi Town Panchayat,
Tirupur District.
3. The Executive Officer,
Malanur Town Panchayat,
Tirupur District.

+2cc to Mr.S.Sithirai Anandam, Advocate Sr.17232 & 17233

WRIT PETITION Nos. 33170 & 33171 of 2016
and W.M.P Nos.28696 to 28699 of 2016

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srg 7/4/2017

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