



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Appeal (MD) No.364 of 2015

and

M.P (MD) Nos.1 and 2 of 2015

P.Maheen	...	Appellant/6 th Respondent
1.P.Manoharan	Vs.	...1 st Respondent/Petitioner
2.The State of Tamil Nadu, Rep by its Secretary, Municipal and Water Supply Department, Secretariat, Chennai.		
3.The Director of Municipal Administration, Chepauk, Chennai.		
4.The District Collector, Kanyakumari District, Nagercoil.		
5.The Nagercoil Municipality, Rep by its Commissioner, Nagercoil, Kanyakumari District.		
6.Meena Devi, Chairman, Nagercoil Municipality, Nagercoil, Kanyakumari District.	...	Respondents 2 to 6/ Respondents 2 to 6

Appeal filed under Clause 15 of the Letters Patent against the order dated 30.03.2015 made in W.P.(MD)No.2985 of 2015 on the file of this Court.

Prayer in WP(MD). 2985/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari/Mandamus, to call for the records on the files of the Respondent pertaining to its Proceedings dated 27.02.2015 bearing File No. 21003/2014/A14 and quash the same and consequently



direct the respondents confirm the tender in the name of the petitioner with regard to the collection of entry fee at the Kanagamoola Market, Vadasery, Kanyakumari District.

For Appellant : Mr.Puhazh Gandhi
For 1st Respondent : Mr.S.C.Herold Singh
For Respondents 2-4 : Mr.T.R.Janarthanam,
Additional Government Pleader.
For Respondents 5&6 : No appearance

JUDGMENT

(Judgment of the Court was delivered by **M.M. SUNDRESH, J**)

Admittedly, the period mentioned in the tender notification is over. Therefore, nothing survives for adjudication. However, learned counsel for the appellant submitted that the rationale adopted by the learned single Judge cannot stand in the scrutiny of law.

2.We are of the view that in a challenge made to a tender process, this Court is concerned primarily with the decision making process rather than the decision by itself. Similarly, this Court cannot arrogate itself to the position of the tendering authority and take its role.

3.With the above observation, the writ appeal is dismissed. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary, The State of Tamil Nadu,
Municipal and Water Supply Department,
Secretariat, Chennai-9.
- 2.The Director of Municipal Administration,
Chepauk, Chennai.
- 3.The District Collector,
Kanyakumari District,
Nagercoil.
- 4.The Commissioner,
Nagercoil Municipality,
Kanyakumari District.

+1cc to Mr.S.C.HEROLD SINGH Advocate in SR. NO.71861

+1cc to Mr.Puhazh Gandhi Advocate in SR. No.71815

SMS

JS/SKN.RSK/SAR.2/23.08.2017/2P-7C

Writ Appeal (MD) No.364 of 2015

and
M.P (MD) Nos.1 and 2 of 2015

10.08.2017