



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Tenth day of February Two Thousand Seventeen

WEB COPY

PRESENT

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WMP (MD) Nos.2036 and 2040 of 2017

IN

WP (MD) Nos.2400 and 2041 of 2017

M/S.THAMARAI BUILDERS

REP. BY ITS MANAGING PARTNERS THAMARAI SELVAN,
OFFICE AT NO.45, PUDUKKOTTAI MAIN ROAD,
KEERANUR POST, KULATHUR TALUK,
PUDUKKOTTAI DISTRICT.

... PETITIONER/PETITIONER IN
WMP (MD) No.2036 of 2017 IN
WP (MD) No. 2400 of 2017

S.M.SAIT

... PETITIONER/PETITIONER IN
WMP (MD) No.2040 of 2017 IN
WP (MD) No. 2401 of 2017

Vs

1 THE SUPERINTENDING ENGINEER (H)
HIGH WAYS DEPARTMENT,
NABARD AND RURAL ROADS-TRICHY CIRCLE,
NO.5, PROFESSOR COLONY,
SUBRAMANIPURAM, TRICHY 20.

2 THE DIVISIONAL ENGINEER (H)
NABARD AND RURAL ROADS-PUDUKKOTTAI,
NO.3038, CANARA BANK 2ND FLOOR,
KEELARAJA VEETHI, PUDUKKOTTAI

3 THE DIVISIONAL ENGINEER (H)
QUALITY CONTROL, SUBRAMANIPURAM,
TRICHY.

...RESPONDENTS/RESPONDENTS IN
ALL THE PETITIONS.

Prayer in WMP (MD) No.2036/2017 in WP (MD). 2400/ 2017 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all further proceedings in pursuance of the tender process tender notification Sl.No.1 (T.N.No.09/2016-17/SDO/Dt.11.01.2017) pending disposal of the WP.

Prayer in WP(MD). 2400/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records of the 2nd respondent E-tender document in Sl. No.2(Sl.No.1 (T.N.No.9/2016-17/SDO/dated 11.01.2017) and quash the Clause No. Note.1 of Annexure No.1 of the same as arbitrary and illegal and further direct them to permit the petitioner to participate in the above said tender process at once without insisting production of the certificate from the 3rd respondent.

Prayer in WMP(MD)No.2040/2017 in WP(MD). 2401/ 2017 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to Stay all further proceedings in pursuance of the tender process tender notification SL.No.1 (T.N.No.09/2016-17/SDO/Dt.11.01.2017) pending disposal of the writ petition.

Prayer in WP(MD). 2401/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus thereby call for the records of the 2nd respondent E-tender document in Sl.No.2 (SL.No.1 (T.N.No.9/2016-17/SDO/Dt.11.01.2017) and Quash the Clause No.Note.1 of Annexure No.1 of the same as arbitrary and illegal and further direct them to permit the petitioner to participate in the above said tender process at once without insisting production of the certificate from the 3rd respondent.

ORDER:These petitions coming on for orders upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.GANAPATHI SUBRAMANIAN, Advocate for the petitioner in all the petitions and of MR.T.S. MOHAMMED MOHAIDEEN, Additional Government Pleader, on behalf of the Respondents 1 t 3,in all the petitions, the court made the following order:-

In view of the orders passed in WMP(MD)Nos.2038 & 2042/2017 in WP(MD)Nos.2400 & 2401/2017 respectively, no further orders is required in the stay petitions. Accordingly, the stay petitions are dismissed.

sd/-

10/02/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUPERINTENDING ENGINEER(H), HIGH WAYS DEPARTMENT,
NABARD AND RURAL ROADS-TRICHY CIRCLE, NO.5, PROFESSOR COLONY,
SUBRAMANIAMFORAM, TRICHY 20.



2 THE DIVISIONAL ENGINEER(H)
NABARD AND RURAL ROADS-PUDUKKOTTAI,
NO.3038, CANARA BANK 2ND FLOOR,
KEELARAJA VEETHI, PUDUKKOTTAI

3 THE DIVISIONAL ENGINEER(H)
QUALITY CONTROL, SUBRAMANIPURAM,
TRICHY.

+1. C.C. to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.7611

ORDER
IN
WMP (MD) Nos.2036 and 2040 of 2017
IN
WP (MD) Nos.2400 and 2041 of 2017
Date :10/02/2017

AM/SKN/SAR-1/10.02.2017/3P/5C