



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P. (MD) No. 13278 of 2017

and

W.M.P. (MD) No. 10337 of 2017

N. Kannan

... Petitioner

-vs-

1. The Secretary to Government
Rural Development and Panchayat Raj Department
Fort St. George,
Secretariat
Chennai - 600 009.

2. The Government of Tamil Nadu
Rep. by The Director
Rural Development and Panchayat Raj Department
Chennai - 600 009.

3. The Project Director
District Rural Development Agency
Dindigul District
Dindigul.

4. The Executive Engineer
Rural Development
District Rural Development Agency
Dindigul District
Dindigul.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first Respondent herein to dispose the appeal filed by the Petitioner in Appeal No. 14493/SqS3/2017 within a stipulated time that may be fixed by this Honble Court and consequently direct the Respondents not to proceed further relating to the Tender Ref. No. DIPR/1028/TENDER/2017 till the disposal of the above appeal No. 14493/SqS3/2017 by the first Respondent.

For Petitioner : Mr. D. Sivaraman

For R1 to R4 : Mr. M. Alagathevan
Special Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the first Respondent to dispose of the appeal filed by the Petitioner in Appeal No.14493/SqS3/2017 within a stipulated time that may be fixed by this Honble Court and consequently direct the Respondents not to proceed further relating to the Tender Ref.No.DIPR/1028/ TENDER/2017 till the disposal of the above appeal No.14493/SqS3/2017 by the first Respondent.

2. The case of the petitioner is that he is a registered Class I Contractor under Public Works Department vide Registration No.05/2008-2009 dated 02.07.2008. In the meanwhile, the second respondent invited E-tender for laying roads, construction of basic amenities and de-silting of Tank in Sanarpatti Block, Dindigul District, for which, the petitioner also submitted his application through online. All of a sudden, to the shock and surprise, on 02.06.2017, he received an SMS and online information from the respondents 3 and 4 that his tender stood rejected, without assigning any reasons. Therefore, he filed a writ petition challenging the rejection of his tender by the respondents 3 and 4. This Court by its order in W.P.No.10640 of 2017 dated 14.06.2017 directed him to file an appeal before the first respondent within one week. The petitioner also filed an appeal before the first respondent on 20.06.2017 and it was acknowledged only on 30.6.2017 and number assigned as 14493/SqS3/2017. As per Section 11(1) of the Tamil Nadu Transparency in Tender Act 1998 (in short "the Act"), the appeal should be disposed within 15 days from the date of receipt of the same. Even though, the first respondent, who is the competent authority to take a decision in this matter, till date, no action has been taken thereon. Hence, the present writ petition.

3. Heard the learned counsel on either side.

4. Though the petitioner has sought for the larger relief to the extent of early disposal of the appeal as well as prohibiting the respondents from proceeding further relating to tender, at the time of argument, the learned Counsel for the petitioner confined his prayer only in respect of early disposal of the appeal under Section 11(1) of the Act.

5. Under such circumstances, this Court, without going into the merits of the matter, directs the first respondent to dispose of the appeal filed by the petitioner in Appeal No.14493/SqS3/2017 within the stipulated time as prescribed under Section 11(1) of the Act on merits and in accordance with law, after affording due opportunity of hearing to the petitioner.



6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To:

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Rural Development
District Rural Development Agency
Dindigul District
Dindigul.

+One cc to Mr.D.Sivaraman, Advocate, SR.No.66233

rm/ar
RL/6C/3P/MR/KKR/SAR1/21/7/2017

W.P. (MD) No.13278 of 2017

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19/07/2017