



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD) Nos.2034 to 2037 of 2017 and
WMP(MD).Nos.1692, 1696,1700, 1704 of 2017 and
W.P(MD).Nos.1693, 1697, 1701, 1705 of 2017 and
WMP(MD).Nos.1694,1695,1698,1699,1702,1703,1706 and 1707 of 2017

M/s. Thamarai Builders,
rep. by its Managing Partners,
Thamarai Selvan,
having office at No.45, Pudukkottai Main Road,
Keeranur Post, Kulathur Taluk,
Pudukkottai District.

Petitioner in W.P.(MD).No.
2034 and 2037 of 2017

S.M. Sait

Petitioner in W.P(MD).Nos.
2035 and 2036 of 2017

Vs.

1.The Superintending Engineer (H),
Highways Department,
Nabard and Rural Roads, Trichy Circle,
No.5 Professor Colony,
Subramaniyapuram, Trichy - 20

2. The Divisional Engineer (H)
Nabard and Rural Roads -Pudukkottai,
No.3038, Canara Bank 2nd Floor,
Keelaraaja Veethi,
Pudukkottai.

3.The Divisional Engineer,
Quality Control,
Subramaniyapuram,
Trichy.

: Respondents in all W.Ps.

Prayer in all W.Ps.: These Writ Petitions are filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent E-tender document in Sl.No.1 (T.N.No.9/2016-17/SDO/ dated 11.01.2017)[in WP.2034 & 2036/2017] Sl.No.2(TN.No.8/2016-17/SDO dated 04.01.2017)[in WP.2036 & 2037/2017] 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 third respondent.



For Petitioner : Mr.P.Ganapathi Subramanian in all W.Ps.
For Respondents: Mr.C.Slevaraj, Special Government Pleader
in all W.Ps.

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COMON ORDER

Though these four Writ Petitions are moved before this Court by way of "urgent motion" to quash the E-Tender Document and the Clause No. Note 1 of Annexure No.1 of the same and to direct the respondents to permit the petitioners to participate in the tender process without insisting upon the production of the certificate from the third respondent, the learned counsel appearing for the petitioners submitted that suffice if the third respondent is directed to consider the petitioners' request for issuance of "Working condition of Machineries Certificate" made through their respective letter issued to the third respondent.

2. The learned special Government Pleader, who takes notice for the respondents, submitted that the request of the individual petitioners for issuance of such certificate will be considered by the third respondent on merits and in accordance with law.

4. Therefore, all these writ petitions are disposed of without expressing any view on the claim made by the petitioners only with a direction to the third respondent to consider their request for issuance of "Working condition of Machineries Certificate" and pass orders on the same on merits and in accordance with law on or before 08th February 2017, since last date for submitting tender falls on 09.02.2017. No costs. Consequently, connected Miscellaneous Petitions are closed.

5. The learned Special Government Pleader is directed to communicate this order to the third respondent without awaiting for the copy of this order.

Sd/
Assistant Registrar(C.O.,)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Superintending Engineer (H),
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Nabard and Rural Roads, Trichy Circle,
No.5 Professor Colony,
Trichy - 20



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Pudukkottai.

3.The Divisional Engineer,
Quality Control,
Subramaniyapuram,
Trichy.

+4CC to M/S.P.Ganapathi Subramanian, Advocate, SR.No.6449,6450,
6451, 6452,

W.P.(MD) Nos.2034 to 2037 of 2017 and
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06.02.2017

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