



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) Nos.2309, 2400, 2401, 2668, 2669 and 2851 of 2017andWMP (MD) Nos.1938, 1939, 1940, 1941, 2037, 2041, 2206, 2207, 2322, 8928 and 8929 of 2017**1.WP (MD) No.2309 of 2017:**

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

: Petitioner

-vs-

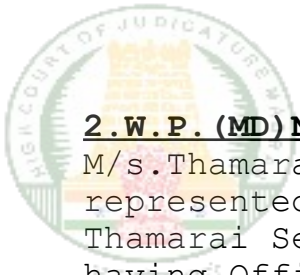
1.The Superintending Engineer (H),
Highways Department,
Nabard and Rural Roads-Trichy Circle,
No.5, Professor Colony,
Subramaniyapuram,
Trichy-20.

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

3.The Divisional Engineer (H),
Quality Control,
Subramaniyapuram,
Trichy.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent E-tender document in Sl.No.2 (T.N.No.8/2016-17/SDO/dated, 04.01.2017 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 certificate from the 3rd respondent.

**2.W.P. (MD) No.2400 of 2017:**

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

: Petitioner

-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 (H),
Quality Control,
Subramaniyapuram,
Trichy.

4.The Principal Secretary to
Government of Tamil Nadu,
Department of Highways,
Secretariat, Chennai.

5.The Chief Engineer,
NABARD Rural Roads,
Integrated CES,
76, Sardhar Patel Road,
Guindy, Chennai-600 025

: Respondents

(R4 and R5 are impleaded vide Court order dated 22.02.2017 in WMP
(MD) NO.2414 of 2017)

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to 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 certificate from the 3rd respondent.

**3.W.P.(MD)No.2401 of 2017:**

S.M.Sait

: Petitioner

-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,
Keelaraja Veethi,
Pudukkottai.

3.The Divisional Engineer (H),
Quality Control,
Subramaniyapuram,
Trichy.

4.The Principal Secretary to
Government of Tamil Nadu,
Department of Highways,
Secretariat, Chennai.

5.The Chief Engineer,
NABARD Rural Roads,
Integrated CES,
76, Sardhar Patel Road,
Guindy, Chennai-600 025

: Respondents

(R4 and R5 are impleaded vide Court order dated 22.02.2017 in WMP
(MD)NO.2415 of 2017)

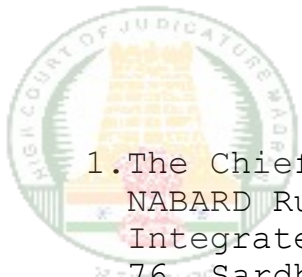
Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent E-tender document in Sl.No.2 (Sl.No.1(T.N.No.9/2016-17/SDO/dated, 11.01.2017 and quash the Clause No. Note.1 of Annexure No.1 of the 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 certificate from the 3rd respondent.

4.WP(MD)No.2668 of 2017:

M/s.Veera Constructions and Enterprises,
represented by its Managing Partner,
M.Sathiyaseelan,
Having office at No.155-B, Neerpalani Post,
Viralimalai Taluk,
Pudukkottai District.

<https://hcservices.ecourts.gov.in/hcservices/>

vs.



1.The Chief Engineer,
NABARD Rural Roads,
Integrated CES,
76, Sardhar Patel Road,
Guindy, Chennai-600 025.

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

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

4.The Divisional Engineer (H)
Quality Control,
Subramaniyapuram,
Trichy.

5.Dharmalingam : Respondents

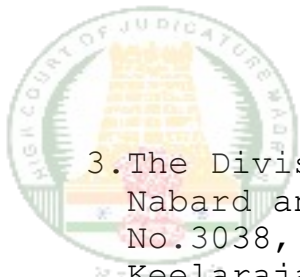
Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in T.R.P.No.59/2016-17/Va2/dated, 10.02.2017 and quash the same as arbitrary and illegal and further direct the 2nd respondent to open the price bid of the petitioner and finalise the tender process in accordance with law.

5.WP(MD)No.2669 of 2017:

P.V.Mathivanan : Petitioner
vs.

1.The Chief Engineer,
NABARD Rural Roads,
Integrated CES,
76, Sardhar Patel Road,
Guindy, Chennai-600 025.

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



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

4.The Divisional Engineer (H)
Quality Control,
Subramaniyapuram,
Trichy.

5.Dharmalingam : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in T.R.P.No.59/2016-17/Va2/dated, 09.02.2017 and quash the same as arbitrary and illegal and further direct the 2nd respondent to open the price bid of the petitioner and finalise the tender process in accordance with law.

6.W.P(MD)No.2851 of 2017:

S.M.Sait : Petitioner
vs.

- 1.The Principal Secretary to the
Government of Tamil Nadu
Department of Highways,
Secretariat,
Chennai.
- 2.The Chief Engineer,
NABARD Rural Roads,
Integrated CES,
76, Sardhar Patel Road,
Guindy, Chennai-600 025.
- 3.The Superintending Engineer (H),
Highways Department,
Nabard and Rural Roads-Trichy Circle,
No.5, Professor Colony,
Subramaniyapuram, Trichy-20.
- 4.The Divisional Engineer(H)
Nabard and Rural Roads-Pudukkottai,
No.3038, Canara Bank 2nd Floor,
Keelaraaja Veethi,
Pudukkottai.



5.The Divisional Engineer (H)
Quality Control, Subramaniyapuram, Trichy.

6.Dharmalingam

7.Chinnathambi

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in T.R.P.No.59/2016-17/V2 and T.R.P.No.60/2016-17/V2, dated 10.02.2017 and quash the same as arbitrary price bid of the petitioner and finalise the tender process in accordance with law.

For Petitioner

[in all cases]

: Mr.P.Ganapathi Subramanian

For R1 to R5 in

WP(MD)Nos.2851 of 2017

For R1 to R4 in

WP(MD)No.2668 of 2017

For R1 to R4 in

WP(MD)No.2669 of 2017

For Respondents in

WP(MD)No.2309 of 2017

& 2400 & 2401 of 2017

: Mr.B.Pugalendhi,
Additional Advocate General
assisted by Mr.C.Selvaraj
Special Government Pleader

For R5 in WP(MD)Nos.

2668 and 2669 of 2017

& For R6 & R7 in WP(MD)No.

2851 of 2017

: Mrs.AL.Ganthimathi

COMMON ORDER

W.P(MD)Nos.2309, 2400 and 2401 of 2017 filed to quash the impugned orders passed by the 2nd respondent Divisional Engineer (H) and further direct them to permit the petitioners to participate in the tender process at once without insisting production of the certificate, whereas WP(MD)Nos.2668, 2669 and 2851 of 2017 have been filed to quash the impugned orders passed by the Superintending Engineer (H), Highways Department, Trichy and further direct them to open the price bid of the petitioners and finalize the tender process in accordance with law.

2.Heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioners and Mr.B.Pugalendhi, learned Additional Advocate General for the official respondents and Mrs.AL.Ganthimathi, learned counsel for the respondent/Dharmalingam.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Mr.B.Pugalendhi, learned Additional Advocate General



appearing for the official respondents, on instructions, would submit that the officials respondents have decided to withdraw the tender notification already issued and they wanted to go for a fresh tender.

4. Recording the submission of the learned Additional Advocate General, these writ petitions are closed as no further adjudication is necessary. The petitioners are at liberty to take part in the fresh tender. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To,

1. The Principal Secretary,
Government of Tamil Nadu
Department of Highways,
Secretariat,
Chennai.
2. The Chief Engineer,
NABARD Rural Roads,
Integrated CES,
76, Sardhar Patel Road,
Guindy, Chennai-600 025.
3. The Superintending Engineer (H),
Highways Department,
Nabard and Rural Roads-Trichy Circle,
No.5, Professor Colony,
Subramaniyapuram, Trichy-20.
4. The Divisional Engineer(H)
Nabard and Rural Roads-Pudukkottai,
No.3038, Canara Bank 2nd Floor,
Keelaraja Veethi,
Pudukkottai.
5. The Divisional Engineer (H)
Quality Control,
Subramaniyapuram, Trichy.

+1cc to Mr.PUGALENDHI Advocate in SR. No.72546

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.72585, 72586,
72583,72584

ER

JS/KP/SAR.2/6.09.2017/7P-8C

W.P. (MD) Nos.2309, 2400, 2401, 2668, 2669 and 2851 of 2017

and

WMP (MD) Nos.1938, 1939, 1940, 1941, 2037, 2041, 2206, 2207, 2322,

<https://hcservices.ecourts.gov.in/hcservices/>

8928 and 8929 of 2017

10.08.2017