

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 20.09.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.13885 of 2016****and****W.M.P (MD) Nos.10337, 10338, 11962 & 11967 of 2016**

J.Uthayakumar
9th Ward Councillor,
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District.

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Block Development Officer,
Kovilpatti Panchayat Union,
Thoothukudi District.

3. The Chairman
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned Tender Notification issued in his proceedings in No. A2/1800/2016 dated 12.07.2016 in regard to execution of work in the Panchayat Union and quash the same as illegal and arbitrary in purview of Rule 11(4) as well as Rule 20 (1)(b) of the Tamil Nadu Transparency in Tenders Rules, 2000 and consequently direct the respondents to follow the procedures contemplated in the Tamil Nadu Transparency in Tenders Rules, 2000 in regard to tendering out the works of the Panchayat Union, within the time limit that may be stipulated by this



For Petitioner : Mr.Thalaimutharasu
For R.1 : Mr.J.Gunaseelan Muthiah,
Government Advocate.
For R.2 : Mr.M.Rajarajan,
Standing Counsel
For R.3 : Mr.Pon.Senthil Kumaran

O R D E R

This writ petition has been filed, seeking to quash the impugned Tender Notification issued by the second respondent in proceedings in No. A2/1800/2016, dated 12.07.2016, calling for tender for various works. The petitioner also sought a consequential direction to the respondents to follow the procedures contemplated in the Tamil Nadu Transparency in Tenders Rules, 2000.

2. Heard the learned counsel on either side.

3. It is the case of the petitioner that the second respondent, without following due process of law and in a hurried manner issued the notification for tenders in proceeding No. A2/1800/2016, dated 12.07.2016 to execute the works of the Panchayat Union worth about Rs.2.23 Crores for the year 2015-2016. It is the further case of the petitioner that no sufficient time has been granted in the impugned notification for submission of tender, as the last date of receipt of tender form has been fixed as 03.08.2016, but however, it has been stipulated that within one day, i.e., before 3pm on 04.08.2016, the filled-in tender application should be filed. It was also stated in the notification that on the very same day, viz., 04.08.2016 at about 04.00 p.m., all the tenders would be opened in front of the available tenderers. Hence, aggrieved by the same, the petitioner has filed this writ petition.

4. The learned counsel for the petitioner would submit that the time granted for submission of the tender is insufficient, which is per se illegal, arbitrary and unjustified.

5. Of course, it is true that the petitioner, being the 9th Ward Councillor of Kovilpatti Panchayat Union, cannot maintain this writ petition as against his own Panchayat. However, in the interest of justice and for the lapses on the part of the respondents in not strictly adhering to the provisions of law, this Court is of the view that the Tender Notification dated 12.07.2016 is liable to be set aside.

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

6. Accordingly, this petition is allowed. The Tender Notification, dated 12.07.2016 is set aside and the matter is



remanded back to the concerned authorities to call for a fresh tender and finalize the same in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

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/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Block Development Officer,
Kovilpatti Panchayat Union,
Thoothukudi District.
3. The Chairman
Kovilpatti Panchayat Union,
Kovilpatti,
Thoothukudi District.

+ 1 cc to The Special Government Pleader in SR No.80872

rm

AE/KK/SAR3/03.10.2017/3P/5C

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