



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2017

CORAM :

WEB COPY

THE HONOURABLE JUSTICE V.PARTHIBANW.P.(MD).No.4512 of 2017andW.M.P.(MD).Nos.3607 and 3608 of 2017

S.Hariharan

... Petitioner

Vs.

The Joint Commissioner/Executive
Officer/Thakkar,
Arulmigu Mariamman Thirukovil,
Samayapuram,
Tiruchirappalli District.

... Respondent

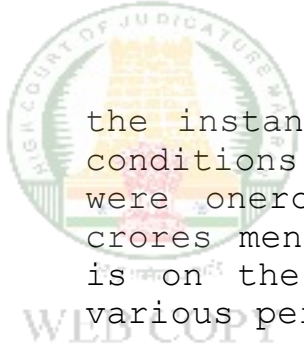
Prayer: The writ petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the entire records pertaining to the public auction/tender notice issued by the respondent in Na.Ka.No.498/1426/C4 dated 09.03.2017 in connection with the granting licence for running a canteen (Vegetarian) Arulmigu Mariamman Thirukovil, Residential Complex, Samayapuram, Tiruchirappalli and quash the same in so far as it relates to the Condition Nos.33 and 51 of the said notice is concerned.

For Petitioner	: Mr.R.Anand
For Respondent	: Mr.K.Govindarajan

O R D E R

The petitioner is aggrieved because of the imposition of condition Nos.33 and 51 in the tender notification published on 09.03.2017 in connection with the grant of licence for running a canteen/hotel at Arulmigu Mariamman Thirukovil, Residential Complex, Samayapuram, Tiruchirappalli District.

2. The learned counsel appearing for the petitioner would submit that condition No.33 of the Tender Notification provides for experience in hotel business and condition No.51 provides for turn over of 5 crores by the auction bidders for the last three financial years which was also reduced to 2 crores at



the instance of the petitioner. According to the petitioner, the conditions imposed by the Tender Notification dated 09.03.2017 were onerous conditions. According to him, the amount of Rs.2 crores mentioned for minimum turn over for the last three years is on the higher side which preclude wide participation from various persons, who are interested in the contract.

3. On the other hand, the learned counsel appearing for the respondent would submit that in fact, originally the amount of Rs.5 crores was fixed and the same was reduced to at the instance of the petitioner herein and therefore, he cannot seek to reduce further. Moreover, the learned counsel for the respondent also submit that as the temple was visited by lakhs of pilgrims on day-to-day basis and therefore, the person, who is interested in getting the contract must be a sound financial position to run a canteen and cater to lakhs of pilgrims. Therefore, the condition which were incorporated in the tender notification cannot be termed to be arbitrary or unreasonable and the same are imposed only on the basis of the number of pilgrims normally visit the temple every day. In that view of the matter, the learned counsel appearing for the respondent prayed for dismissal of the writ petition.

4. I have given anxious consideration to the rival submissions of the parties.

5. I am unable to accept that the conditions imposed by the respondent is arbitrary or unreasonable conditions, but the same were imposed only on the basis of the circumstances as explained above by the learned counsel for the respondent. Moreover, it is not for the petitioner to suggest as to what condition should be incorporated in the tender notification in order to suit his financial capacity. In such circumstances, I do not find any merit in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To
The Joint Commissioner/Executive Officer/Thakkar,
Arulmigu Mariamman Thirukovil, Samayapuram,
Tiruchirappalli District.
+One cc to Mr.K.Govindarajan, Advocate, SR.No.16259
akv
RL/3C/2P/MR/10.5.2017

W.P (MD) .No.4512 of 2017