



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: **11.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**

AND

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.[MD].No.5069 of 2017

and

W.M.P.(MD)Nos.4082 and 4083 of 2017

Linga Muniasamy

: Petitioner

Vs.

1.The District Collector,  
Thoothukudi District.

2.The Executive Engineer,  
Public Works Department, WRO  
Vaipopar Basin Division,  
Virudhunagar.

3.The Block Development Officer,  
Block Officer,  
Vilathikulam,  
Thoothukudi District.

4.The Tahsildar,  
Vilathikulam,  
Thoothukudi District.

5.Mr.N.Muniyasamy

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his letter in Letter No.594/2013/Thal, dated 10.03.2017 I.D. No.64 of 2014 and quash the same as illegal and consequently direct the second respondent to issue fresh tender and conduct action after publishing the notice as per law afresh within stipulated time.

For Petitioner

: Mr.T.A.Ebenezer

For Respondents No.1 to 4: Mr.T.S.Mohamed Mohideen,  
Additional Government Pleader

For Respondent No.5 : No Appearance

O R D E R

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[Order of the Court was made by K.K.SASIDHARAN, J.]

This Writ Petition is directed against the proceedings dated 10 March, 2017, in and by which, contract was given to the fifth respondent to remove the Seemai Karuvelam Trees situated in Survey No.130/17, Pullankulam Village, in the district of Tuticorin.



2. It is the case of the petitioner that without giving wide publicity, the second respondent accepted the tender given by the fifth respondent and in a biased manner, granted him the contract.

3. The counter-affidavit filed by the second respondent indicates that in view of the order passed by this Court dated 20 December, 2016 in W.P(MD)No.16485 of 2015, the Department has no other alternative than to conclude the tender process. There were five bidders and the bid submitted by the fifth respondent was accepted.

4. The learned Additional Government Pleader, on instructions, submitted that substantial portion of the work has already been completed by the fifth respondent.

5. The challenge is only to the contract given to the fifth respondent. There is no question of considering the tender process for the purpose of taking a decision as to whether the bid submitted by the fifth respondent was the highest and as to whether others should have been given the contract. The second respondent, in paragraph No.4 of the counter-affidavit, very clearly indicated the steps taken by him, which, ultimately, resulted in giving the contract to the fifth respondent. In view of the explanation given by the second respondent, we do not see any reason to quash the impugned order.

6. In the upshot, we dismiss the Writ Petition. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Co)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

- 1.The District Collector,Thoothukudi District.
- 2.The Executive Engineer,  
Public Works Department, WRO  
Vaipopar Basin Division,Virudhunagar.
- 3.The Block Development Officer, Block Officer,  
Vilathikulam,Thoothukudi District.
- 4.The Tahsildar,Vilathikulam,Thoothukudi District.

+1cc to M/S.T.S.MOHAMED MOHIDEEN, Advocate SR.No.64704

+1cc to M/S.T.A.ENENEZER, Advocate SR.No.64613

+1cc to Special Government Pleader, SR.No. 64935

SML/MYR

MAS/MR-KKR/SAR4:19.07.2017:2P-8C

Order made in  
W.P.[MD].No.5069 of 2017  
11.07.2017