



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 28.03.2017
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THE HONOURABLE MR. JUSTICE V. PARTHIBAN

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W.P (MD) No.5452 of 2017

and

W.M.P (MD) Nos.4373 and 4374 of 2017

Perumalammal

..Petitioner

Vs

1. The Director,
Rural Development and Panchayat Raj Department,
Chennai.
2. The District Collector/Chairman,
District Rural Development Agency,
Tuticorin.
3. The Project Director,
District Rural Development Agency,
Tuticorin,
4. The Executive Engineer,
District Rural Development Agency,
Tuticorin.
5. The Director of Public Relations,
Chennai.
6. The Public Relations Officer,
Office of the District Collector,
Tuticorin.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to accept and consider the tender documents submitted by the Petitioner on 23.3.2017 through online for the works concerned for the year 2016-17, Renovation 7 Nos of MI Tanks under Thai II Scheme in Ottapidaram Block of Thoothukudi District for the year 2016-17 (TN TUT 08 MI Tanks), Improvements to Roads 02 Nos. in Pudur Block (package No.13) of Thoothukudi District under THAI 2016-17 (Roads), Improvements to Roads 02 Nos. in Karungulam Block (Package No.2) of Thoothukudi District under THAI 2016-17, Improvements to Road 02 Nos. in Thoothukudi District under THAI 2016-17, Improvements to Road 02 Nos. in Thoothukudi District under THAI 2016-17, along with other tender bids received, without insisting for the production of certificate from the fourth



respondent with regard to the possession of tools and machineries.

For Petitioner :M/s.K.K.Senthil

For Respondents :Mr.A.Muthukaruppan
Addl. .Govt.Pleader

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ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the third respondent to accept and consider the tender documents submitted by the Petitioner on 23.3.2017 through online for the works concerned for the year 2016-17, Renovation 7 Nos of MI Tanks under Thai II Scheme in Ottapidaram Block of Thoothukudi District for the year 2016-17(TN TUT 08 MI Tanks), Improvements to Roads 02 Nos. in Pudur Block (package No.13) of Thoothukudi District under THAI 2016-17(Roads), Improvements to Roads 02 Nos. in Karungulam Block(Package No.2) of Thoothukudi District under THAI 2016-17, Improvements to Road 02 Nos. in Thoothukudi Block)(Package No.01) of Thoothukudi District under THAI 2016-17, along with other tender bids received, without insisting for the production of certificate from the fourth respondent with regard to the possession of tools and machineries.

2.Mr.A.Muthukaruppan , learned Addl. Government Pleader takes notice for the respondents.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.The Petitioner in response to the tender invitation by the respondents 1 and 3, had applied for consideration for work for Renovation 7 Nos of MI Tanks under Thai II Scheme in Ottapidaram Block of Thoothukudi District for the year 2016-17(TN TUT 08 MI Tanks), Improvements to Roads 02 Nos. in Pudur Block(package No.13) of Thoothukudi District under THAI 2016-17(Roads), Improvements to Roads 02 Nos. in Karungulam Block(Package No.2) of Thoothukudi District under THAI 2016-17, Improvements to Road 02 Nos. in Thoothukudi Block)(Package No.01) of Thoothukudi District under THAI 2016-17. The Petitioner being the Class-I Contractor, having executed several contract works awarded by the State Government. The Petitioner is in possession of all machineries required, financial capacity and man power for executing all kinds of works. Therefore, he had responded to the bid invited by the respondents 1 and 3.

<https://hcservices.equ.gov.in/hcservices/> to the Petitioner he had submitted his tender application before the cut-off date and last date for opening the bid was fixed on 25.3.2017 at 3.00 p.m., In fact, it is



originally fixed on 24.3.2017, but it was post-poned.

6. According to the Petitioner, one of the mandatory conditions for such participation in the tender process is production of certificate of possession of required and adequate machineries and tools for executing the contract. The Petitioner had submitted representations on 16.3.2017 and 18.3.2017 for issuance of certificate, to the fourth respondent. But till date, no action has been taken on his representations. While that be so, without taking any decision on the two representations, the authorities concerned are going ahead with the opening of the tender, thereby excluding the participation of the Petitioner in the tender process.

7. Mr. A. Muthukaruppan, learned Additional Government Pleader appearing for the respondents would submit that the last date of tender is already over.

8. But, the learned counsel for the Petitioner would submit that till date the tender has not been opened and finalized and therefore he should be allowed to participate in the tender process and if the same has not been opened and finalized and otherwise, he would be put to severe hardship for having denied the participation in the tender for want of certificate. It is the case of the Petitioner that in view of his position as Class-I Contractor, he has been executing all kinds of works successfully for the Government and other institutions and therefore, it is merely a formality that certificate to be issued by him. But unfortunately, because of the delay in considering his applications, the Petitioner is not in a position to participate in the tender.

9. In view of the above narrative, the third respondent, who is the tender accepting authority is directed to allow the Petitioner to participate in the tender process, if the same is not opened and finalized and his claim would be considered along with others, if he is otherwise eligible.

10. With the above directions, the Writ Petitions stands disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

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Assistant Registrar (AD II)

/True copy/

Sub Assistant Registrar



To

1. The Director,
Rural Development and Panchayat Raj Department,
Chennai.
2. The District Collector/Chairman,
District Rural Development Agency,
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3. The Project Director,
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Chennai.
6. The Public Relations Officer,
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Tuticorin.

+1cc to M/s.K.K.SENTHIL, Advocate, in SR No.18283

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