

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2109 of 2009

ORDER:

The case of the petitioner is that the 1st respondent – District Collector vide his proceedings Rc.No.226/MAR/Plg./2008, dated 06.08.2008 sanctioned execution of work for forming of internal C.C Roads, C.C.Drainage works and underground drainage work with PVC pipes in Marthur Mandal to a tune of Rs.90 lakhs. This was sanctioned as per G.O.Ms.No.13 (VI), Department, dated 13.06.2008 to carry out “Five Works” at Darsi Village of Martur Mandal with total estimated cost of Rs.10 lakhs. The 1st respondent further directed the Executive Agency to implement the work through their technical staff and the executive agency is solely responsible for proper implementation of works. In pursuance of the 1st respondent proceedings dated 06.08.2008, the Gram Panchayat passed a resolution dated 29.08.2008 entrusting the above said five works to the petitioner. Meanwhile, the 1st respondent issued impugned proceedings dated 19.12.2008 cancelling the aforesaid five works and entrusted the works in lumpsum manner to an Executive Agency. The 2nd respondent by his proceedings dated 09.01.2009 invited sealed tenders on 24.01.2009 and in pursuance to the same the 5th respondent submitted tenders whose tender was accepted as he is the lowest bidder. Aggrieved by the cancellation of sanctioned work which is a developmental

programme, without giving any notice to Gram Panchayath, present writ petition is filed.

It is to be seen that by inviting tenders, subject work was entrusted to the 5th respondent who is the lowest bidder. The allegation of the petitioner is that in pursuance to the acceptance of tender of the 5th respondent, the 5th respondent is trying to carry out the subject work.

Though this Court ordered notice before admission on 09.02.2009 and admitted the writ petition on 04.06.2009, no stay was granted. Tenders were issued in the year 2009. As no stay was granted by this Court, the 5th respondent might have completed the subject works. In view of the same, nothing survives for adjudication in the writ petition.

Accordingly, the writ petition is dismissed as infructuous. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

13.06.2017
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