

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.Nos.20 to 25 of 2018
and
W.M.P.Nos.19 to 25 of 2018

W.P.No.20 of 2018

Arunai Constructions
rep. by its Partner,
D.Vengatesan
136/52, Mathalangula Street
Tiruvannamalai. Petitioner

vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Highways Department,
Fort St.George,
Chennai - 600 009.
2. The Superintending Engineer - Highways,
C & M Chennai Circle,
No.299, Anna Salai,
Chennai - 600 006.
3. The Divisional Engineer (Highways),
Quality Control Division,
National Highways Department,
Guindy,
Chennai - 600 025. Respondents

W.P.No.20/2018 is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent from proceeding with the tender in respect of Tender Notice No.15/2017-2018/HDO dated 28.11.2017 in respect of the work of Widening and improvement works and Special repair Works in Tiruvannamalai under CDIDP Scheme 2017-2018 without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

W.P.No.21 of 2018

Arunai Constructions
rep. by its Partner,
D.Vengatesan
136/52, Mathalangula Street
Tiruvannamalai.

... Petitioner

vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Highways Department,
Fort St.George,
Chennai - 600 009.
2. The Superintending Engineer - Highways,
C & M Chennai Circle,
No.299, Anna Salai,
Chennai - 600 006.
3. The Divisional Engineer (Highways),
Quality Control Division,
National Highways Department,
Guindy,
Chennai - 600 025.

.... Respondents

W.P.No.21/2018 is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent from proceeding with the tender in respect of Tender Notice No.14/2017-2018/HDO dated 27.11.2017 in respect of the work of Widening and improvement works, construction of drains, culvert and retaining wall in Tiruvannamalai Sub Division jurisdiction under CDIDP Scheme 2017-2018 without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

W.P.No.22 of 2018

Arunai Constructions
rep. by its Partner,
D.Vengatesan
136/52, Mathalangula Street
Tiruvannamalai.

... Petitioner

vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Highways Department,
Fort St.George,
Chennai - 600 009.

2. The Superintending Engineer - Highways,
NABARD and Rural Roads Circle,
B48, Alagesa Nagar,
Chengalpet Office,
Chengalpet.

3. The Divisional Engineer (Highways),
Quality Control Division,
National Highways Department,
Guindy,
Chennai - 600 025.

... Respondents

W.P.No.22/2018 is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent from proceeding with the tender in respect of Tender Notice No.08/2017-2018/HDO dated 27.11.2017 in respect of the work of Upgradation of Panchayat and Panchayat Union Roads to ODR standards in Thiruvannamalai and Walaja (H) Nabarad and Rural Roads Division, without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

W.P.No.23 of 2018

A.P.U. Constructions
rep. by its Managing Partner,
Saroja, 1167E, Parvathi Rice Mill,
Thendral Nagar, Vengaikal,
Tiruvannamalai.

... Petitioner

vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Highways Department,
Fort St.George,
Chennai - 600 009.

2. The Superintending Engineer - Highways,
C & M Chennai Circle,
No.299, Anna Salai,
Chennai - 600 006.

3. The Divisional Engineer (Highways),
Quality Control Division,
National Highways Department,
Guindy,
Chennai - 600 025.

... Respondents

W.P.No.23/2018 is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent from proceeding with the tender in respect of Tender Notice No.15/2017-2018/HDO dated 28.11.2017 in respect of the work of Widening and improvement works and Special repair Works in Tiruvannamalai under CDIDP Scheme 2017-2018 without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

W.P.No.24 of 2018

A.P.U. Constructions

rep. by its Managing Partner,
Saroja, 1167E, Parvathi Rice Mill,
Thendral Nagar, Vengaikal,
Tiruvannamalai.

... Petitioner

vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Highways Department,
Fort St.George, Chennai - 600 009.

2. The Superintending Engineer - Highways,
C & M Chennai Circle,
No.299, Anna Salai,
Chennai - 600 006.

3. The Divisional Engineer (Highways),
Quality Control Division,
National Highways Department,
Guindy,
Chennai - 600 025.

... Respondents

W.P.No.24/2018 is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent from proceeding with the tender in respect of Tender Notice No.14/2017-2018/HDO dated 27.11.2017 in respect of the work of Widening and improvement works, construction of drains, culvert and retaining wall in Tiruvannamalai Sub Division jurisdiction under CDIDP Scheme 2017-2018 without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

W.P.No.25 of 2018

A.P.U. Constructions
rep. By its Managing Partner,
Saroja, 1167E, Parvathi Rice Mill,
Thendral Nagar, Vengaikal,
Tiruvannamalai.

... Petitioner

vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Highways Department,
Fort St.George, Chennai - 600 009.
2. The Superintending Engineer - Highways,
NABARD and Rural Roads Circle,
B48, Alagesa Nagar,
Chengalpet Office,
Chengalpet.
3. The Divisional Engineer (Highways),
Quality Control Division,
National Highways Department,
Guindy,
Chennai - 600 025.

... Respondents

W.P.No.25/2018 is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent from proceeding with the tender in respect of Tender Notice No.08/2017-2018/HDO dated 27.11.2017 in respect of the work of Upgradation of Panchayat and Panchayat Union Roads to ODR standards in Thiruvannamalai and Walaja (H) Nabard and Rural Roads Division, without issuing the quality certificate to the petitioner and receiving the bids of the petitioner.

For Petitioner (in all WPs) : Mrs.AL.Ganthimathi

For Respondents

: Mr.R.Govindasamy,

(in all WPs)

Special Government Pleader

WEB COPY
COMMON ORDER

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petitions are taken up for final disposal.

2. All these writ petitions are filed by the individual writ petitioner seeking for a Mandamus to forbear the 2nd respondent from proceeding with the tender in respect of the subject matter

tender in each writ petition in respect of the subject matter work referred to in each writ petition without issuing the quality certificate to the petitioners and receiving the bids of the petitioners.

3. Heard Mrs.AL.Ganthimathi, learned counsel for the petitioners and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents.

4. The grievance of the petitioners is that even though the petitioners made applications for issuing the quality certificate before the 3rd respondent on 11.12.2017 in respect of W.P.Nos. 20, 21 and 22 of 2018 and on 20.12.2017 in respect of W.P.Nos.23, 24 & 25 of 2018, the 3rd respondent has not issued the said certificate so far when the last date for receipt of tender falls on 04.01.2018.

5. Learned Special Government Pleader, based on written instructions received from the 3rd respondent submitted that though the petitioners made the belated applications for issuing the quality certificate, the inspection is being carried on and if the machineries are found to be in working condition, necessary certificate will be issued today itself.

6. The above said statement is recorded. Accordingly, the writ petitions are disposed of by directing the 3rd respondent to consider the applications submitted by the petitioners seeking issuing quality certificate and pass appropriate orders by today without awaiting for a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

7. Learned Special Government Pleader is directed to communicate this order orally to the 3rd respondent so as to enable him to comply with the same today itself.

Sd/-

Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to Government,
Highways Department,
Fort St.George,
Chennai - 600 009.
2. The Superintending Engineer - Highways,
C & M Chennai Circle,
No.299, Anna Salai,
Chennai - 600 006.
3. The Superintending Engineer - Highways,
NABARD and Rural Roads Circle,
B48, Alagesa Nagar, Chengalpet Office,
Chengalpet.
4. The Divisional Engineer (Highways),
Quality Control Division,
National Highways Department,
Guindy, Chennai - 600 025.
5. The Govt Pleader High Court
Madras

+2 ccs to Mrs.AL.Ganthimathi Advocate sr 353 & 354

W.P.Nos. 20 to 25 of 2018

ev(co)
aa03/01/2017

सत्यमेव जयते

WEB COPY