

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1033 of 2018 and
CMP No.8633 of 2018

Sri Masadachi Amman Construction
Rep. by its Managing Partner,
R.Sundaram
3/1 F, Sandaipet, Singalandapuram,
Rasipuram, Namakkal District. Appellant

-vs-

- 1.The Chief Engineer,
Public Works Department,
Technical Education Circle (DOTE Campus)
Chennai -25.
- 2.M/s.S.R.Construction
Rep. by its Managing Partner,
S.Rajkumar
32/33, East Street,
Kalappa Naicken Patti Post,
Namakkal District. Respondents
(R2 impleaded vide court order dated 19.07.2018 made in
CMP No.10316/2018 in WA No.1033/2018 by KKSJ & RSMJ)

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
against the order passed in W.P No.5400 of 2018 dated 16.03.2018.

PRAYER IN W.P No.5400 of 2018:

Writ of Certiorari to call for the records with respect of
Lr. No. DO/DB/TEC/T.326 dated 28.02.2018 on the file of the
respondent and quash the same as far as petitioner is concerned.

For Appellant : Mr.S.Lakshmanasamy
For Respondents: Mr.V.Anandhamurthy
Addl.Govt.Pleader for R1
Mr.S.Suresh Kumar
for Mr.C.Prabakaran for R2

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN,J.]

The appellant challenged the proceedings dated 28 February 2018 awarding the Contract to the respondent No.2 in this appeal. The learned single Judge without expressing any opinion on the merits of the matter granted liberty to the appellant to raise all contentions after receiving communication from the Chief Engineer with regard to the rejection of his tender under the Tamilnadu Transparency in Tenders Act, 1998. The said order is put in issue in the present intra court appeal.

2. When this matter was heard at length on 24 July 2018, we have found that the tender process was in violation of the provisions of the Tamilnadu Transparency in Tenders Act. We therefore directed the Chief Engineer to take a decision in the matter.

3. When the appeal is taken up for hearing today, the learned Additional Government Pleader produced a copy of the proceedings dated 25 July 2018 on the file of the Chief Engineer indicating that the contract awarded to the second respondent vide Agreement No.51CE/2018-19 is cancelled, meaning thereby, the very contract in favour of the second respondent is cancelled. In view of this subsequent development, nothing survives for further adjudication. It is open to the first respondent to issue a fresh notification if they are so advised. In case of issuance of any such notification, it is open to the appellant to take part in the tender process if they are eligible.

5. The intra court appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-V)

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Sub Assistant Registrar

svki

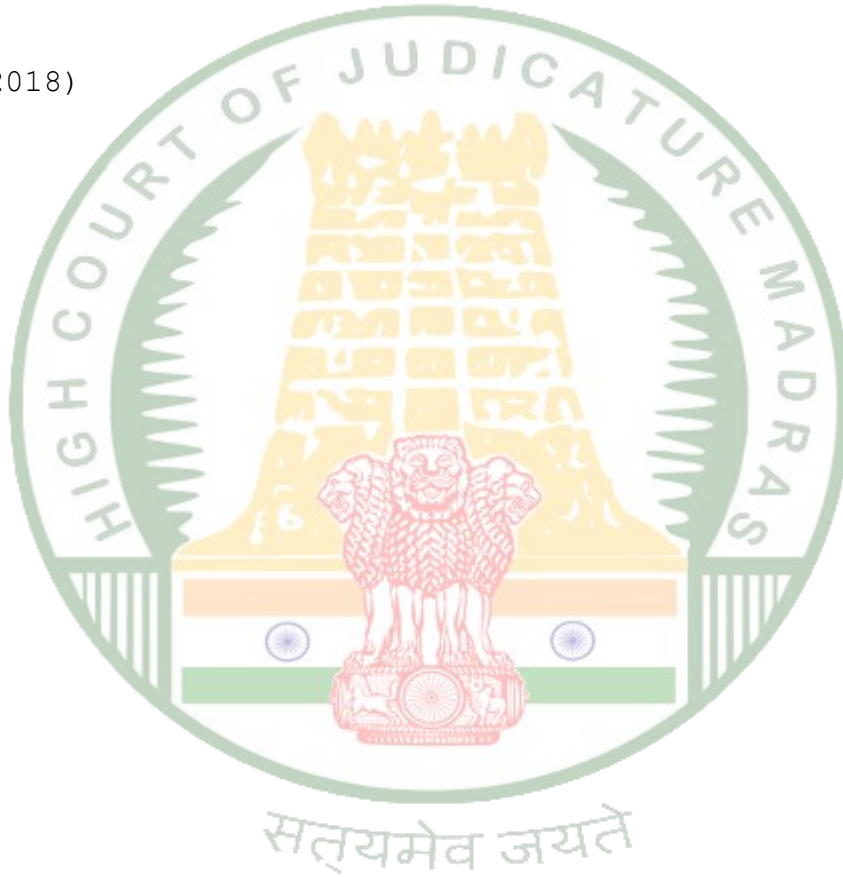
To

The Chief Engineer,
Public Works Department,
Technical Education Circle (DOTE Campus)
Chennai -25.

+1cc to the Government Pleader, S.R.No. 53214

W.A.No.1033 of 2018

RK(CO)
TR(28/08/2018)



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