

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.NO.8001 OF 2017

and

W.M.P.No.8746 of 2017

S.Kamaraj

...Petitioner

Versus

- 1.The Principal Secretary,
Panchayat & Rural Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Director,
Panchayat & Rural Department,
Panagal Building,
Saidapet, Chennai - 15.
 - 3.The Inspector of Panchayat / District Collector,
Collectorate,
Nagapattinam District.
 - 4.The Additional Director (Panchayat),
Collectorate of Nagapattinam,
Nagapattinam District.
 - 5.The Block Development Officer (Panchayat union office),
Kollidam,
Nagapattinam District.
 - 6.The Deputy Block Development Officer,
(Zonal) Panchayat,
Union Office,
Kollidam,
Nagapattinam District.
- .. Respondents

Prayers: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 5th respondent to follow open tender process in Kollidam Panchayat Union, Kollidam, Cuddalore District in

https://hcservices.courts.gov.in/ For Fourteen Finance Commission fund sanctioned via

proceeding in Ref No.SE/MU.NA.KA.3222/2016/A2/UO/E(UOO) dated 21.01.2017 on the basis of petitioner representation dated 06.03.2017.

For Petitioner : Mr.T.Arockiadas
for M/s.Dass and Viswa Associates

For Respondents : Mr.K.J.Sivakumar
Government Advocate, for R1 to R4
Mr.P.Sanjay Gandhi, for R5 & R6

O R D E R

The petitioner has come up with the Writ Petition for the issuance of writ of mandamus, directing the fifth respondent to follow open tender process in Kollidam Panchayat Union, Kollidam, Cuddalore District on the basis of his representation dated 06.03.2017.

2. The case of the petitioner is that he is a license holder to do Government contract works. Normally in every Panchayat office, the contract works will be given / published in the notice board as open tender. The licensed contract workers, who quote lesser amount will be the successive bidder. The earlier term of the elected representatives expired in the month of October, 2016 and thereafter, the Panchayat Union is maintained by the Special Officer. The grievance of the petitioner is that the officials of the respondents-Panchayat, without following the open tender process awarding contracts to their choice.

3. Heard Mr.T.Arockiadass, learned counsel appearing for the petitioner and Mr.K.J.Sivakumar, learned Government Advocate appearing for the respondents 1 to 4 and Mr.P.Sanjay Gandhi, learned counsel appearing for the respondents 5 to 6 and perused the material documents available on record.

4. In the counter affidavit filed by the fifth respondent, it has been stated that the third respondent viz., the Inspector of Panchayat, Nagapattinam District granted administrative sanction to carry out several development works in 40 Village Panchayats in Kollidam Block, for a total value of Rs.72,25,593/-. Thereafter, tender notification was published as per the rules and bidders were selected and work orders are allotted.

5. At this juncture, the learned counsel appearing for the petitioner submitted that it would suffice, if a direction is issued to the fifth respondent to follow the procedures prescribed in the Tamil Nadu Transparency in Tenders Act,

1998, while publishing tenders in future.

6. In the light of the above submissions, this Court is of the view that no further adjudication is required in this writ petition. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

7. It is made clear that in future tenders, the fifth respondent shall follow the procedures contemplated in the Tamil Nadu Transparency in Tenders Act, 1998.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Principal Secretary,
Panchayat & Rural Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director,
Panchayat & Rural Department,
Panagal Building,
Saidapet, Chennai - 15.
3. The Inspector of Panchayat / District Collector,
Collectorate,
Nagapattinam District.
4. The Additional Director (Panchayat),
Collectorate of Nagapattinam,
Nagapattinam District.
5. The Block Development Officer (Panchayat union office),
Kollidam,
Nagapattinam District.

6.The Deputy Block Development Officer,
(Zonal) Panchayat,
Union Office,
Kollidam,
Nagapattinam District.

- 1 cc to M/s.Dass and Viswa Associates Sr.No. 2218
- 1 cc to Mr.P.Sanjay Gandhi, Advocate Sr.No.2478
- 1 cc to The Government Pleader Sr.No.2398

W.P.No.8001 of 2017

CO (MP)
RRI 08/02/2018



WEB COPY