

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.32524 of 2016

and

WMP.No.28190 of 2016

M/s. Kerala Trading Company,
rep. By its Proprietor,
Mr.A.J.Augustine,
S/o Joseph,
Nedumkandam,
Idukki District,
Pincode - 685 553.

.... Petitioner

vs.

1. The Managing Director,
Tamil Nadu Cements Corporation Ltd.
(A Government of Tamil Nadu undertaking)
LLA Building, 735, Anna Salai,
Chennai -600 002.

2. The General Manager (Marketing),
Tamil Nadu cements Corporation Ltd.,
(A Government of Tamil Nadu undertaking)
LLA Building, 735, Anna Salai,
Chennai -600 002.

3. Vithayathil Enterprises,
rep. By its Proprietor,
Mr.Tony Thomas,
S/o Thomas,
34/1850, Vithayathil Building,
Edappally Post, Ernakulam - 682 024.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring the consignment agent order dated Nil issued in favour of the third respondent by the second respondent and the rejection order passed against the petitioner in proceeding Lr.No.TANCEM/MKG/CA/2016 dated 12.04.2016 on the file of the second respondent in pursuance of the notification issued for appointment of consignment agent in Malayalam News daily Mathurbhommi dated 31.01.2016 as illegal, invalid and

unconstitutional and direct the respondents 1 and 2 to re-issue the tender notification for appointment of consignment agent and select the successful tenderer in accordance with terms and conditions and in accordance with the Tamil Nadu Transference in Tenders Act, 1998.

For Petitioner : Mr.R.Natarajan

For Respondents : Mr.A.Sivaji
for R1 & R2
Mr.S.Vijayakumar
for R3

O R D E R

The prayer sought for in this writ petition is as follows:

To declare the consignment agent order dated Nil issued in favour of the third respondent by the second respondent and the rejection order passed against the petitioner in proceeding Lr.No.TANCEM/MKG/CA/2016 dated 12.04.2016 on the file of the second respondent in pursuance of the notification issued for appointment of consignment agent in Malayalam News daily Mathurbhommi dated 31.01.2016 as illegal, invalid and unconstitutional and direct the respondents 1 and 2 to re-issue the tender notification for appointment of consignment agent and select the successful tenderer in accordance with terms and conditions and in accordance with the Tamil Nadu Transference in Tenders Act, 1998.

2. Today, the learned counsel appearing for the 1st and 2nd respondents produced a communication dated 03.05.2017 issued by the Managing Director, Tamil Nadu Cement Corporation Limited informing that the consignment agency for South Kerala given to the 3rd respondent is cancelled with effect from 24.04.2017. Apart from the said submission, the learned counsel also stated that the very notification issued for appointment of consignment agency for South Kerala itself is cancelled and therefore, the prayer sought for in this writ petition has become infructuous.

3. On the other hand, Mr.R.Natarajan, the learned counsel for the petitioner wants to sustain the prayer in this writ petition by raising very many grounds on merits. I do not think that the petitioner is entitled to maintain the present writ petition any further in view of the above submissions made by the learned counsel for the 1st and 2nd respondents, which clearly indicate that the very notification issued by the respondents 1 and 2 for appointment of the consignment agent for the South Kerala is cancelled and consequently, nothing survives in this writ petition to be adjudicated upon further. Accordingly, the writ petition is dismissed as infructuous without expressing any

view on the merits of the contentions raised by the petitioner in this writ petition. If the petitioner still has any grievance against the 1st and 2nd respondents, it is open to them to agitate the matter in the manner known to law before the appropriate forum. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

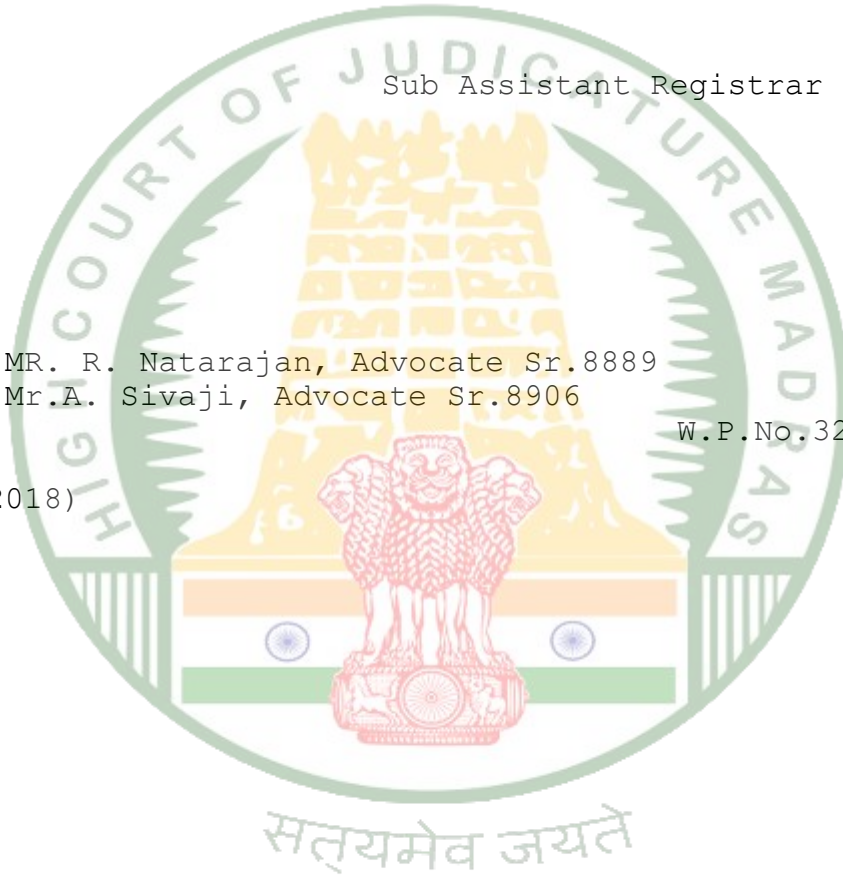
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+ 1 cc to MR. R. Natarajan, Advocate Sr.8889

+ 1 cc to Mr.A. Sivaji, Advocate Sr.8906

W.P.No.32524 of 2016

(CCC)
EU(17/02/2018)



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