

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.Nos.26802, 26814 & 26808 of 2018  
and

W.M.P.Nos.31155, 31156, 31168,  
31170, 31163 & 31164 of 2018

M/s.APU Constructions,  
Rep.by its Managing Partner,  
C.N.Annadurai.

... Petitioner  
(in W.P.Nos.26802  
& 26808 of 2018)

M/s.Arunai Constructions,  
Rep.by its Partner,  
D.Venkatesan.

... Petitioner  
in W.P.No.26814 of 2018

Vs

1.The Superintending Engineer,  
Highways, Construction and Maintenance,  
Chennai.

2.The Divisional Engineer,  
(Highways), Construction and Maintenance,  
Guindy, Chennai - 600 025.

3.The Divisional Engineer (H),  
Construction and Maintenance,  
Tiruvannamalai.

... Respondents 1 to 3  
( in all W.Ps)

4.The Divisional Engineer,  
Highways, Construction and Maintenance  
Cheyyar Division,  
Tiruvannamalai District.

... 4<sup>th</sup> Respondent  
in W.P.No.26808 of 2018

Prayer in W.P.Nos.26802 & 26814 of 2018: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, forbearing the 1<sup>st</sup> respondent from opening the tender documents in respect of tender notice No.22/2018-2019/TVA and No.22/2018-2019/TVA dated 10.09.2018 of the 1<sup>st</sup> respondent herein in respect of the improvement of roads,

construction of drainage, culverts and minor bridges in various places in Tiruvannamalai Division, without issuing the quality certificate to the petitioner and receiving the bids of the petitioners, respectively.

Prayer in W.P.Nos.26808 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, forbearing the 1<sup>st</sup> respondent from opening the tender documents in respect of tender notice No.23/2018-2019/TVA, dated 11.09.2018 of the 1<sup>st</sup> respondent herein in respect of the improvement and extension of roads, construction of pavements and minor bridges in various places in Tiruvannamalai Division and Cheyyar Division, without issuing the quality certificate to the petitioner and receiving the bids of the petitioners, respectively.

For Petitioners : Mrs.AL.Ganthimathi  
(in all W.Ps)

For Respondents : Mr.V.Jayaprakash Narayanan  
Special Government Pleader  
(in all W.Ps)

#### C O M M O N O R D E R

Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents. By consent of both parties, these writ petitions are taken up for final disposal at the admission stage itself.

2. These writ petitions are filed, seeking a mandamus forbearing the 1<sup>st</sup> respondent from opening the tender documents in respect of tender notices dated 10.09.2018 & 11.09.2018 for improvement of roads, construction of drainage, culverts and minor bridges in various places in Tiruvannamalai and Cheyyar Division, without issuing the quality certificate to the petitioners and receiving the bids of the petitioners.

3. The learned counsel for the petitioners submitted that they are the registered class I contractors. They have been doing several road works, civil works and building works and they have also been in possession of all the machineries that are required for construction and strengthening of roads and all civil constructions. He further submitted that as per the instructions in the tender notices, the participants have to enclose the quality control certificate along with the tender documents and the same will be received upto 3.00 p.m. on 17.10.2018 and opened by the first respondent at 3.30 p.m. on the same day itself. Hence, the petitioners submitted the representations dated 05.10.2018 to the second respondent seeking issuance of quality control certificate, after making

necessary inspection. However, the second respondent has not considered the said representations. Hence, the petitioners are before this Court.

4. The learned Special Government Pleader appearing for the respondents submitted that the petitioners are in the habit of approaching the authorities in the fag end of the tender proceedings and have not given sufficient time to them to consider the claim of the petitioners. However, the learned Special Government Pleader submitted that the second respondent would consider the claim of the petitioners on merits and in accordance with law on or before 12.10.2018.

5. The above said submissions made by the learned Special Government Pleader are recorded. Accordingly, the writ petition stands disposed of, directing the second respondent to consider the petitioners' representations dated 05.10.2018 on merits and in accordance with law on or before 12.10.2018. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintending Engineer,  
Highways, Construction and Maintenance,  
Chennai.

2.The Divisional Engineer,  
(Highways),Construction and Maintenance,  
Guindy, Chennai - 600 025.

3.The Divisional Engineer (H),  
Construction and Maintenance,  
Tiruvannamalai.

4.The Divisional Engineer,  
Highways,Construction and Maintenance  
Cheyyar Division,  
Tiruvannamalai District.

+3cc to M/S.A.L.Gandhimathi, Advocate Sr.70422,70424,70423  
+1cc to the Government Pleader Sr.70544

W.P.Nos.26802, 26814 & 26808 of 2018

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srg 13/11/2018



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