

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 28201 of 2018

and

W.M.Ps. 32884 & 32889 of 2018

Salem District Tamil Nadu Water
Supply and Drainage Board Construction
and Maintenance Contractors Welfare
Association,
rep. by its Vice-President,
S.Thippireddy,
Senreddiyur, Kuttapatti Post,
Mettur Taluk,
Salem District.

...Petitioner

Versus

1. State of Tamil Nadu,
rep. by its Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu Water Supply and
Drainage Board,
Chepauk,
Chennai-600 005.
3. The Engineering Director,
Tamil Nadu Water Supply and Drainage
Board, Chepauk,
Chennai-600 005.
4. The Chief Engineer,
Tamil Nadu Water Supply and
Drainage Board,
Siruvani Nagar,
Coimbatore.

5. The Superintending Engineer,
Tamil Nadu Water Supply and
Drainage Board, Salem.

6. Thiru Mathiazhagan,
Engineering Director,
Tamil Nadu Water Supply and
Drainage Board,
Chepauk, Chennai-600 005.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Tender Notification in IFB No.F.WSS to Kolathur TP/DO(T5)/CE/CBE/2018, dated 16.10.2018 on the file of the 4th respondent quash the same and direct the respondents not to resort tenders combining all the work together as a single package with irrational conditions such as 1) Seven years of experience in executing the work, 2) Abolishing all the classification of contractors and introduce a clause that Class-I contractor alone is eligible to participate in the tender and permit all class I to class V contractors of the members of the petitioner to participate in the tender.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.R.Govindasamy,
Special Government Pleader
for R1

Mrs.S.Thamizharasi
Standing Counsel for R2 to R5

ORDER

This Writ Petition has been filed challenging the tender notification issued by the 4th respondent, and consequently split up the work into various components, and permit the petitioner to participate in the tender process.

2. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, the learned counsel appearing for the respondents, on instructions, submitted that the petitioner is only challenging the tender notification, but, now, the tender process was over and the successful bidder was also selected. If at all, the petitioner has any grievance, he has to challenge the awarding of tender, and he cannot challenge the tender notification. Hence, the present Writ Petition may be dismissed.

3. On considering the above submissions, without going into the merits of the case, as the tender process has already completed, and the successful bidder has been selected, now the prayer sought in the present Writ Petition cannot be granted. Hence, the present Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp

To

1. Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Secretariat,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu Water Supply and
Drainage Board,
Chepauk,
Chennai-600 005.
3. The Engineering Director,
Tamil Nadu Water Supply and Drainage
Board, Chepauk,
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4. The Chief Engineer,
Tamil Nadu Water Supply and
Drainage Board,
Siruvani Nagar,
Coimbatore.
5. The Superintending Engineer,
Tamil Nadu Water Supply and
Drainage Board,
Salem.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.86811
+1cc to Mr.S.Thamizharasi, Advocate, S.R.No.86587
+1cc to the Government Pleader, S.R.No.86752

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VGII(CO)

rrs 05/02/2019



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