



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.3159 of 2018

L.Mahesh Sivasakthibalan

.. Petitioner

Vs.

1.The Chief Engineer,
(Construction and Maintenance)
Tamil Nadu Government Highways Department,
No.76, Sardar Patel Road,
(Highways Research Department Campus)
Guindy, Chennai-34.

2.The Superintending Engineer,
Highways Department C & M Circle,
Reserveline Road,
Palayamkottai,
Tirunelveli-627002.

3.The Divisional Engineer,
Highways Department,
Ettayapuram Road,
Thoothukudi-2.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first and second respondents to consider the representation of the petitioner dated 17.01.2018 seeking cancellation of the Tender Process.

For Petitioner

: Mr.V.Malaiyendran

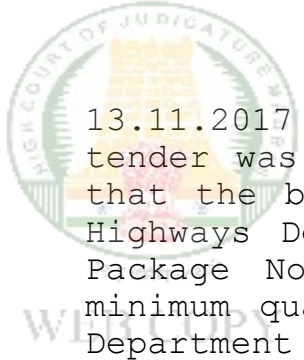
For Respondents

: Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner came forward to file this writ petition as Public Interest Litigation stating among other things that he is a Civil Diploma Holder and he is doing construction work in Tuticorin. The petitioner would aver that the tender notifications were issued by the second respondent vide notice Nos.3 and 4 /2017-18/D1, dated



13.11.2017 and 14.11.2017 respectively and the date of opening of tender was fixed on 22.12.2017. One of the important conditions is that the bidder should have an experience of contract work in the Highways Department and according to the petitioner in respect of Package Nos.15 to 25, most of the bidders did not possess the minimum qualification of having the contract work in the Highways Department and alleging foul play and fraud, the petitioner has submitted a representation, dated 16.01.2018 to the second respondent in person, followed by the representation dated 17.01.2018 sent by Registered Post with Acknowledgement due and despite receipt of acknowledgement, no action has been taken so far and hence, he came forward to file this writ petition.

2. The learned Counsel appearing for the petitioner would submit that in the absence of experience, the bids given by the concerned persons ought not to have been opened and however steps are being taken to open the bids shortly and hence, the petitioner came forward to file this writ petition purely in public interest.

3. Per contra, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents has drawn the attention of this Court to the representation submitted by the petitioner and would submit that the allegations are vague, bald and vexatious and therefore, the prayer sought for by the petitioner may not be granted.

4. This Court has carefully considered the rival submissions and perused the materials placed on record.

5. The writ petition is in the form of Public Interest Litigation and the petitioner is expected some research before filing the writ petition.

6. It is a specific case of the petitioner that without fulfilling the prescribed and necessary qualifications, the bids submitted by some of the persons are said to be entertained. There are no tenable materials placed before this Court specifying the said allegations. The petitioner has also expressed his grievance that though his representation dated 17.01.2018 received acknowledgement, it is yet to be received any response.

7. In the considered opinion of this Court, in the event of non-response of his representation within a reasonable time, the petitioner is at liberty to find out the fate of his representation through the Right to Information Act and the said Act provides remedial measures to the petitioner to obtain information as to the said tender notifications. Therefore, the writ petition is dismissed, granting liberty to the petitioner to work out his remedy administratively including the Right to Information Act. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/



To

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Ettayapuram Road,
Thoothukudi-2.

+One cc to The Special Government Pleader, SR.No.49644

+One cc to M/s.V.Malaiyendran, Advocate, SR.No.48963

rmi/ssl
RL/6C/3P/KKR/SAR2/9/3/2018

ORDER MADE IN

W.P(MD)No.3159 of 2018

15.02.2018