



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.9046 of 2018

and

W.M.P.No.8417 of 2018

V.Velmurugan

... Petitioner

vs.

1.The General Manager,
Madurai District Co-operative,
Milk Producers' Union Limited,
Sathamangalam,
Madurai - 625 020.

2.Ms.Pushpam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to reject the tender application of the second respondent as per the representation of the petitioner dated 02.03.2018 and proceed further with tender process in a fair and equitable manner provided by the Tamil Nadu Transparency in Tenders Act and Rules.

For Petitioner : Mr.J.Anandhavalli

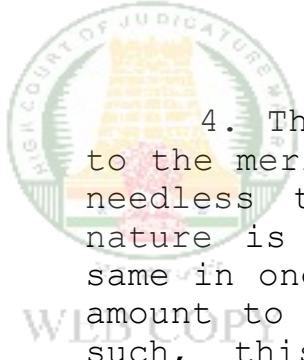
For Respondent : Mr.Murugan,
Government Advocate

O R D E R

Mr.Murugan, learned Government Advocate, takes notice for the first respondent. Notice to the second respondent is dispensed with in view of nature of the order to be passed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 02.03.2018 seeking to reject the tender application of the second respondent, has not been considered by the first respondent till date and therefore, he has filed the present writ petition.



4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 02.03.2018 on its own merits and take further action in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to any other persons who may be interested in the subject matter.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

The General Manager,
Madurai District Co-operative,
Milk Producers' Union Limited,
Sathamangalam,
Madurai - 625 020.

+1CC TO Mr.J.Anandhavalli, Advocate, Sr No.62976
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.63364

W.P. (MD) No.9046 of 2018
24.04.2018

aav

MS/PN/SAR.3/16.05.2018/2P.4C