



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.207 OF 2015

and

M.P(MD)Nos.1 and 2 of 2015

Sundararaj

: Appellant/Petitioner

.vs.

1. The Commissioner,
Killiyoor Panchayat,
Killiyoor Office,
Kanyakumari District.

2. The District Collector,
Kanyakumari District
at Nagercoil.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.1411 of 2015, dated 18.02.2015.

Prayer in WP(MD). 1411/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorrified Mandamus, calling for the records pertaining to the tender notice in No. A2/1868/2014 issued by the 1st respondent dated 19.01.2015 in so far as Item Nos. 1, 2 and 7 of works are concerned and rejection order in Na.Ka. No. A2/1868/2014 dated 23.01.2015 by the 1st Respondent and quash the same and consequently to direct the respondents to issue the work orders to the Petitioner in Item Nos. 1, 8, 9 and 14 of Works pertaining to the tender notice dated 21.11.2014.

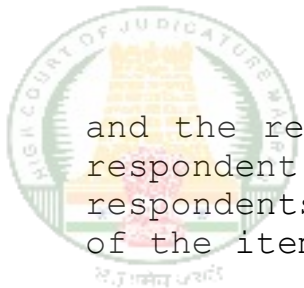
For Appellant	: Mr.P.Thirumahilmaran
For Respondent-2	: Mr.C.M.Mari Chelliah Prabu Addl.Govt.Pleader
For R-1	: Mr.J.R.Janarthanan

JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order made in W.P(MD) No.1411 of 2015, dated 18.02.2015.

2. The appellant is the Writ Petitioner. He challenged the tender notice, dated 19.01.2015 issued by the first respondent



and the rejection order, dated 23.01.2015 issued by the very same respondent. Consequently, he also sought for a direction to the respondents to issue work orders to the Writ Petitioner in respect of the items referred to in the Writ Petition.

3.The Writ Court, after considering the facts and circumstances and also perusing the files, came to the conclusion that there was no illegality or irregularity committed by the respondents in the tender process. The Writ Court also found that the Writ Petitioner's offer was rightly rejected by the respondents. It appears that the Writ Petitioner had taken advantage of some mis-communication issued by the authorities, since there were two persons by name Sundararaj, participated in the tender process, out of whom, one is the Petitioner and another one is the successful tenderer.

4.Though this Writ Appeal was entertained as early as 31.3.2015, no interim order was granted by this Court, protecting the interest of the appellant herein, in any manner. Now, it is stated before us that in pursuant to the dismissal of the Writ Petition, the work orders have been issued to the other person by name S.Sundararaj of Kannavilai and he has also completed the work much earlier. When such being the factual position, We do not think anything survives in this Writ Appeal to be adjudicated upon further.

5.Accordingly, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Commissioner,
Killiyoor Panchayat,
Killiyoor Office,
Kanyakumari District.

2. The District Collector,
Kanyakumari District
at Nagercoil.

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.75552

Vsn

MK/KAK/SAR 2/06.07.2018/2P/4C