



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.658 of 2015
and
M.P(MD)No.1 of 2015

N.Kannan

... Petitioner

Vs.

The Tender Inviting Authority,
The Joint Commissioner/
Executive Officer,
A/m.Dandayuthapani Swamy Thirukoil,
Palani, Dindigul.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent herein from in any manner awarding/confirming the secret tender alleged to have been conducted on 13.1.2015 at his office for all the 7 items of stainless steel grill work for the respondent temple and consequently direct the respondent herein to conduct fresh tender after making wide publicity and reasonable opportunity to the petitioner.

For Petitioner : Mr.K.Appadurai

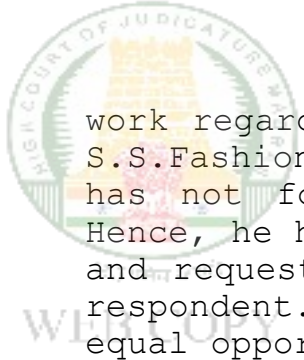
For Respondent : Mr.K.Govindarajan

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus, to forbear the respondent herein from in any manner awarding/confirming the secret tender alleged to have been conducted on 13.1.2015 at his office for all the 7 items of stainless steel grill work for the respondent temple and consequently, direct the respondent herein to conduct fresh tender after making wide publicity and reasonable opportunity to the petitioner.

2.Heard the learned counsel appearing for the petitioner and the respondent.

3.The petitioner is a registered contractor. The petitioner has challenged the tender notification issued by the Tender Inviting Authority the Joint Commissioner/Executive Officer, Arulmigu Dandayuthapani Swamy Thirukoil, Palani, Dindigul for allotting the



work regarding engineering works of stainless Steel Gate, Doors and S.S.Fashion for 7 items, stating that the tender inviting authority has not followed the due process under Tender Transparency Act. Hence, he has sent a representation to the authorities on 12.01.2015 and requesting him to supply the tender schedule called for by the respondent. The secret tender will be biased and without providing equal opportunity to the other tenderers and the value of the tender is Rs.30,00,000/-. Tender was also conducted on 13.01.2015 without considering the petitioner's objections and hence, he filed the present writ petition for the aforesaid prayer.

4.When the matter was posted today under the caption for adjourned admission, the learned counsel appearing for the petitioner submitted that the said tender was cancelled and till date, no tender has been called for. He would pray that if the respondent called for tender in future, the petitioner may be allowed to participate in the said tender. It is left open to the petitioner to participate in the said tender, if any, called for, if he is otherwise eligible for contesting the said tender. The authorities are directed to consider his case, if he participates in the tender and decided it as per the Tamil Nadu Transparency in Tenders Act, 1998.

5.With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The Tender Inviting Authority,
The Joint Commissioner/
Executive Officer,
A/m.Dandayuthapani Swamy Thirukoil,
Palani, Dindigul.

+1 cc to Mr.K.Appadurai,Advocate,SR.No.96592

am

SS/BK/SAR 4/07.01.2019/2P/3C

W.P (MD) No.658 of 2015
23.11.2018