



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.[MD]No.19378 of 2018

and

W.M.P.[MD]Nos.17211 & 17212 of 2018

K.Thiraviyam

: Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation,
(TASMAC),
CMDA Complex, Egmore,
Chennai - 600 008.

2.The Regional Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC),
Anna Nagar, Madurai - 625 020.

3.The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC),
Madurai South,
Sipcot, Kappaloor, Madurai District.

4.Sivanandi

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice of third respondent vide his proceedings in Na.Ka.No.1018/2017/A, dated 30.08.2018 and quash the same and consequently direct the third respondent to continue with the tender proceedings as on 30.08.2018 and announce the results of the tender.

For Petitioner : Mr.M.Gururaj
For Respondent Nos.1 to 3 : Mr.H.Arumugam
Standing Counsel

O R D E R

The petitioner is before this Court challenging the order of the third respondent dated 30.08.2018, in regard to cancellation of tender announced earlier.



2. According to the petitioner, since he had participated in the tender, he wants this Court to give a direction to continue the tender proceedings notwithstanding the cancellation by the third respondent.

3. This Court is unable to appreciate as to how such prayer could be considered in the writ petition. When the authorities have cancelled the tender auction for whatever reasons, there cannot be any vested rights for the petitioner to compel the authorities to proceed with the tender. In case the petitioner has any grievance against the cancellation of the tender, it is always open to him to seek his remedy in the manner known to law.

4. Further, this Court is of the view that it is always open to the petitioner to challenge any subsequent notification, if the same is in violation of the relevant statute. Certainly as far as this writ petition is concerned, there is no cause of action as disclosed in the affidavit. Therefore, this Court is of the view that this writ petition is not maintainable.

5. The writ petition is dismissed, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS IV)

MR

To

1. The Managing Director,
Tamil Nadu State Marketing Corporation,
(TASMAC), CMDA Complex, Egmore, Chennai - 600 008.
2. The Regional Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC), Anna Nagar, Madurai - 625 020.
3. The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC), Madurai South,
Sipcot, Kappaloor, Madurai District.

1CC TO M/S.GURURAJ, ADVOCATE SR 82896

1CC TO M/S. H. ARUMUGAM, ADVOCATE SR 83462

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ORDER MADE IN W.P.[MD]No.19378 of 2018
07.09.2018