



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.(MD)No.19491 of 2018

and

W.M.P.(MD).No.17309 of 2018

M.J.D.Construction &
Engineering Contractors Pvt. Ltd.,
Rep. by its Managing Director,
Janaka Jabangelin

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Joint Director,
Town Panchayat,
Regional Office,
Tirunelveli.

3.The Assistant Director of Town Panchayat,
Collectorate,
Kanyakumari District,
Nagercoil.

4.The Executive Officer,
Killiyur Town Panchayat,
Killiyur,
Kanyakumari District.

5.The Executive Officer,
Kaliakavilai Town Panchayat,
Kaliakavilai,
Kanyakumari District.

6.The Executive Officer,
Karungal Town Panchayat,
Karungal,
Kanyakumari District.

7.The Executive Officer,
Puthukadai Town Panchayat,
Puthukadai,
Kanyakumari District.



8.The Executive Officer,
Selection Grade Town Panchayat,
Kulasekaram,
Kanyakumari District.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to conduct the tender process in proceedings Na.Ka.No.396/2018, dated 17.07.2018 on the file of the 4th respondent, in proceedings Na.Ka.No.252/2018/A1 dated 20.07.2018 on the file of the 5th respondent, in proceedings Na.Ka.No.333/2018/A1 dated 20.07.2018 on the file of the 6th respondent in proceedings Na.Ka.No.340/2018/A1 dated 20.07.2018 on the file of the 7th respondent, in proceedings Na.Ka.No.181/2018/A1 dated 20.07.2018 on the file of the 8th respondent in a fair and transparent manner without awarding contract to in eligible contractors who does not fulfil the tender condition based on the representation of the petitioner dated 28.08.2018 to the respondents.

For Petitioner : Ms.C.Bharathi
For Respondents 1 to 3 : Mr.A.Muthkaruppan
Additional Government Pleader
For Respondents 4 to 8 : Mr.M.Rajarajan

O R D E R

The petitioner has approached this Court for issuance of Writ of Mandamus, to direct the respondents to conduct the tender process in proceedings Na.Ka.No.396/2018, dated 17.07.2018 on the file of the 4th respondent, in proceedings Na.Ka.No.252/2018/A1 dated 20.07.2018 on the file of the 5th respondent, in proceedings Na.Ka.No.333/2018/A1 dated 20.07.2018 on the file of the 6th respondent in proceedings Na.Ka.No.340/2018/A1 dated 20.07.2018 on the file of the 7th respondent, in proceedings Na.Ka.No.181/2018/A1 dated 20.07.2018 on the file of the 8th respondent in a fair and transparent manner without awarding contract to in eligible contractors who does not fulfil the tender condition based on the representation of the petitioner dated 28.08.2018 to the respondents.

2. This Court is unable to appreciate that as to how the petitioner can assume that the tender process would not be conducted in a transparent manner. In the absence of specific facts and the materials as disclosed in the writ petition, this Court finds that there is no specific cause of action pleaded in the affidavit and the entire writ petition is on the basis of some bald averments and the apprehension on the part of the petitioner is in regard to the tender process initiated by the respondents.

3. This Court is of the view that the present writ petition is premature and the same cannot be entertained without any specific cause of action being disclosed in the writ petition.



4. For the above said reasons, this Court does not find any merits in the writ petition and therefore, the same is dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

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Sd/-

Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar (CS-IV)

PJL

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Joint Director,
Town Panchayat,
Regional Office,
Tirunelveli.

3.The Assistant Director of Town Panchayat,
Collectorate,
Kanyakumari District,
Nagercoil.

4.The Executive Officer,
Killiyur Town Panchayat,
Killiyur, Kanyakumari District.

+1cc to Spl Government Pleader, SR No.83723

W.P. (MD) No.19491 of 2018

NM/SKN/SAR IV/23.10.18/3P/6C.