

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No.1008 OF 2018

JUDGMENT (ORAL) : (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned counsel for the appellant, who is respondent No.3 in the writ petition from which this writ appeal arises. We have also heard Sri B. Hanumantha Rao, learned counsel for respondent Nos.1 and 2, the learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.3 and Sri S.D. Gowd, learned counsel for respondent No.4.

2. The substance of the writ petition and this writ appeal is award of certain contract to the appellant, which is a Labour Contract Society, without inviting tenders. The Kadapa Municipal Corporation had no plea before the learned single Judge that it had acted under any particular provision of law which enables it to give the contract without inviting competitive tenders. The appellant, however, attempts to project the case that it was awarded contract since the Municipal Corporation was awaiting clearance of the Government on the basis of certain Government Orders. Transparency is an indefeasible corner stone of governance. There is nothing on record to show that the contract was awarded to the appellant on the basis of any competition or by invoking any particular provision which enables the Corporation to give such a contract without competition. The Corporation files also do not disclose

any such thing. We say this because even before the learned single Judge, the Corporation did not have any such case.

3. For the aforesaid reasons, we do not find any legal or jurisdictional infirmity as well as factual error or in the decision of the learned single Judge warranting interference through this intra court appeal under Letters Patent. Therefore, the writ appeal fails.

4. In the result, the Writ Appeal is dismissed. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Appeal stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

GUDISEVA SHYAM PRASAD, J

July 27, 2018.
P V/V V