

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 23532 of 2017

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus questioning the proceedings of the first respondent issued in G.O.Rt.No.180, Transport, Roads and Buildings (R.1) Department, dated 19.06.2017 insofar as insisting for owning/ leasing a hot mix plant within 100 kms. at the time of submission of the documents.

2) When the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that in an identical matter, this Court allowed the writ petition vide W.P.No.35879 of 2017, to which the learned Government Pleader for Roads and Buildings would submit that the State filed Writ Appeal No.906 of 2018 before a Division Bench of this Court, wherein the Division Bench allowed the appeal, setting aside the order in W.P.No.35879 of 2017. Challenging the same, the petitioner in W.P.No.35879 of 2017 preferred S.L.P. (C) No.23131 of 2018, which was dismissed on 10.09.2018, as such the question of going into the merits of the issue would not arise.

3) Therefore, it is clear that the issue raised in this writ petition was already decided by a Division Bench of this Court in W.A.No.906 of 2018 holding as under:

“the bidder should have the equipment within 100 kilometers from the proposed site or not, is a decision that the State Authorities have made, obviously, having regard to different practical issues, which would have a direct bearing on timely execution of work, by maintaining the qualitative and quantitative bench marks, regarding the progress of the work from time to time.”

4) The said order was carried in appeal before the Apex Court, wherein the Apex Court dismissed the S.L.P., confirming the order of the Division Bench of this Court. Hence, I see no grounds to entertain the writ petition.

5) Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

01.11.2018
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