

In the High Court of Judicature at Madras

Dated : 08.1.2019

Coram :

The Honourable Mrs.Justice PUSHPA SATHYANARAYANA

Writ Petition No.715 of 2019 and WMP.No.792 of 2019

P.Annadurai

...Petitioner

Vs

1. The Superintending Engineer,
National Highways, Omalur
Main Road, Narasothipatty,
Alangapuram Post, Salem-4.
 2. The Divisional Engineer,
Quality Control Division,
National Highways, Omalur
Main Road, Kurunguchavadi,
Salem-4.
 3. Mr.Loganathan, Divisional
Engineer, Quality Control
Division, National Highways,
Omalur Main Road,
Kurunguchavadi, Salem-4.
- ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to issue working condition certificate to the petitioner forthwith based on his application dated 02.1.2019 so as to enable the petitioner to participate in the tender to be held on 09.1.2019 for the works of widening and improvements from the 2 lane to 4 lane at KM 48/4-55/4 of Hogenakkal - Pennagaram - Dharmapuri - Thirupathur Road including CD works, minor bridges construction of drains and retaining wall 48/8-49/4 (SH 60) and other works.

For Petitioner : Mr.K.Balu

For Respondents 1 & 2 : Mr.V.Shanmuga Sundar, SGP

ORDER

Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice for respondents 1 and 2. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition seeking a direction to the second respondent to issue the working condition certificate based on his application dated 02.1.2019 so as to enable the petitioner to participate in the tender to be held on 09.1.2019 for the works of widening and improvement from two lane to four lane in respect of Hogenakkal - Pennagaram - Dharmapuri - Thirupathur Road, etc.

3. As per the tender conditions in Annexure I, which relate to major items of constructional plant and equipment for the work, the working condition certificate should be obtained from the Divisional Engineer (NH), Salem on or after 07.12.2018 and the original certificate should be enclosed along with pre-qualification documents. Though the petitioner applied to the Divisional Engineer (NH) concerned for the issue of the working condition certificate, his request has not been responded till today.

4. It is contended that the last date for submitting the application is 09.1.2019 i.e. tomorrow. The said working condition certificate should have been obtained on or after 07.12.2018. In such a situation, the grievance of the petitioner is that he is unable to present the tender documents even till date without the working condition certificate.

5. The learned Special Government Pleader submits that the working condition certificate will be issued by the Divisional Engineer (NH) concerned by tomorrow. The said submission of the learned Special Government Pleader is placed on record.

6. Considering the submissions made on either side, the writ petition is disposed of with a direction to the first respondent to accept the tender documents, which were submitted online. As and when the working condition certificate is issued by the Divisional Engineer (NH) concerned, the same can be presented by the petitioner within two days of the receipt of the certificate, which shall be accepted by the first respondent. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintending Engineer,
National Highways, Omalur Main Road,
Narasothipatty,
Alangapuram Post, Salem-4.
2. The Divisional Engineer,
Quality Control Division,
National Highways,
Omalur Main Road,
Kurunguchavadi, Salem-4.

+1 cc to Mr.K.Babu, Advocate, S.R.No.2004

WP.No.715 of 2019&
WMP.No.792 of 2019

VG-II(CO)
SSM(09/01/2019)



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