

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5231 of 2019

B.C. Sengottaiyan

... Petitioner

Vs.

1. The Joint Commissioner/ Executive Officer
Hindu Religious & Charitable Endowment Department
Arulmighu Dhandayuthapani Thirukoil
Palani, Dindigul District - 624 601.

2. The Superintendent of Market
Regulated Market
Erode Market Committee
Kavindapadi
Erode District - 638 455.

.... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the First Respondent to procure jaggery (Naatuchakkarai) directly from the farmers through the Second Respondent.

For Petitioner : Mr. R. Arun Dattan

For Respondents : Mr. M. Maharaja (For R1)

Special Government Pleader (HR&CE)

Mr.V.Jayaprakash Narayanan (For R2)

O R D E R

The Petitioner had filed this Writ Petition seeking that the First Respondent to procure jaggery directly from the Farmers through the Second Respondent.

2. The First Respondent has filed a Counter Affidavit dated 15.05.2019 stating that the system of procuring jaggery from the farmers through the Second Respondent had earlier taken place till the year 2015, but the procedure adopted for the same had involved carrying huge amount of cash of Rs.50,00,000/- towards immediate payment, which was unsafe and in such circumstances, the First Respondent started to procure jaggery through the State Trading Corporation by making payment through cheque or demand draft, which reduced risks.

3. In pursuance of the order dated 13.06.2019 passed by this Court, the First Respondent had filed Additional Counter Affidavit dated 10.07.2019 stating that it has been decided to make future procurement of jaggery through e-tender and due to ban of tenders during general elections, procurement was done on temporary basis through the Employees Co-operative Society of the Temple of the First Respondent.

4. Today, the Respondents have filed a status report dated 07.09.2019, in which it has been stated as follows:-

"03. It is submitted that as reported by this Respondent temple e-tender was called for procuring Jaggery was notified in online through NIC (National Information Centre) as directed by the Commissioner, Hindu Religious and Charitable Endowments, Chennai vide proceedings in Na.Ka.No.3600/2018/Z3, dated 19.07.2018. It is further submitted that the Commissioner, Hindu Religious and Charitable Endowments, Chennai had also granted permission to this respondent for conducting and finalizing the e-tender for procuring Jaggery to the First Respondent Temple as per existing tender norms vide his proceedings in Muu.Mu.No.59569/2018/Z, dated 08.02.2019. It is submitted thereafter due paper publication was given in daily news papers namely, Deccan Chronicle and Tamil Hindu calling for tenders to be applied online. Accordingly, e-tender for procuring Jaggery for First Respondent Temple for the month of September 2019 was held on 29.08.2019 as scheduled, in which following persons have participated:

PROCURING JAGGERY TENDER ID 2019 HRCE 134419 1

Sl.No	Company Name	Amount quoted for 1 kg in Rs.
01.	Sri Balaji Trading Company, Palani	Rs.34.88/-
02.	Vinga International Vadodara	Rs.38.30/-
03.	Erolite Export, Kavindapadi	Rs.35.80/-
04.	Nithya Agency, Kavindapadi	Rs.34.80/-
05.	Sri Srinivasa Traders, Bodinaickanur	Rs.35.25/-

In the said tender, one Nithya Agency, Kavindapadi who quoted least price was awarded with e-tender allotment order on 31.08.2019 for supplying Jaggery for the

month of September 2019. Accordingly, they are also supplying Jaggery to the First Respondent Temple.

04. It is submitted that now this Respondent had decided to call for e-tender for procuring Jaggery for the month of October 2019 and the same is likely to be held on 27.09.2019 at 3.00 p.m. Thus the above all is the present status in so far as e-tender called for procuring Jaggery to First Respondent Temple is concerned. This Respondent reserves its right to file an additional report as and when required or necessary."

5. In view of the aforesaid changes made in the system for procurement of jaggery, the question of granting the relief as sought for by the Petitioner does not arise. It is open to the Petitioner to participate in the tender, whenever called, if he is otherwise eligible for the same.

6. Recording the aforesaid subsequent events, the Writ Petition is disposed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Joint Commissioner/ Executive Officer
Hindu Religious & Charitable Endowment Department
Arulmighu Dhandayuthapani Thirukoil
Palani, Dindigul District - 624 601.

2. The Superintendent of Market
Regulated Market
Erode Market Committee
Kavindapadi
Erode District - 638 455.

+1 cc to M/s.R.Arun dattan, Advocate Sr.No. 79094

+1 cc to Mr.V.Jayaprakash Narayanan, Advocate Sr.No.79198

+1 cc to The Government Pleader Sr.No.79847

AKM/19.09.19/3P-5C /

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