

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6173 of 2019
and
WMP.7010 and 7012 of 2019

Paneerselvam

..Petitioner

Vs

1.The District Collector
District Collectorate office
Villupuram.

2.Assistant Director Rural Development
Villupuram District

3.Planning Director
District Rural Development Agency
Villupuram

4.Special Officer
Block Development Officer (Village Panchayat)
Olakur Panchayat Union
Tindivanam Taluk
Villupuram

5.Regional Deputy Block Development Officer
(Village Panchayat)
Olakur (stay at Saram)
Tindivanam Taluk
Villupuram

..Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the tender project of the 4th and 5th respondent pertaining to the 14th year Financial Grant 2017-2018th for civil works in Olakur Panchayat Union renovation work for building constructed under IWSC and IMSC scheme in Na.Ka.Aa2/391/2019 dated 29.01.2019 most particularly S.No.48 (Senthamangalam Village alternation work for IWSC building) mentioned in Na.Ka.No.A7/1865/2018 dated 03.11.2018 and quash the same and direct the respondents to re-render the Senthamangalam Village alteration work for IWSC building as per Tamil Nadu Transparency in Tender Rules, 2000.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.V,Shanmuga Sundar, Spl.G.P.
for R1 to R3.
Mr.A.Zakir Hussian, Govt.Advocate
for R4 and R5.

ORDER

By consent of both sides, this Writ Petition is taken up for final disposal.

2 Writ Petition is filed challenging the tender project of the 4th and 5th respondent pertaining to the 14th year Financial Grant 2017-2018 for civil works in Olakur Panchayat Union renovation work for building constructed under IWSC and IMSC scheme in Na.Ka.Aa2/391/2019 dated 29.01.2019 most particularly S.No.48 (Senthamangalam Village alteration work for IWSC building) mentioned in Na.Ka.No.A7/1865/2018 dated 03.11.2018, and seeks to quash the same and further to direct the respondents to re-render the Senthamangalam Village alteration work for IWSC building as per Tamil Nadu Transparency in Tender Rules, 2000.

3. The case of the Petitioner is that the Petitioner who intended to participate in IWSC building renovation work, as mentioned above, was informed that Tender bulletin will be issued in 4th respondent Office, however, when the 4th respondent office refused to supply the bulletin, the Petitioner got the same from one registered contractor. Thereafter, for depositing the required earnest money, the Petitioner went to the office of the 4th respondent and the 4th respondent refused to receive the sealed cover. It is the further contention of the Petitioner that even though the 4th respondent fixed 12.02.2019 at 4.00 p.m., for opening of sealed cover, it was not opened.

4. Aggrieved by the said action of the 4th respondent, the Writ Petitioner has filed this Writ Petition on 01.03.2019 before this Court. As such, there is a delay of 16 days in approaching this court, challenging the Notification, in respect of opening the sealed tender.

5. It is relevant to note Clause 5 of the Tender dated 29.01.2019 states that sealed cover for the Tender shall be sent by Post. In such circumstances, the allegation of the Petitioner that the 4th respondent refused to receive the sealed cover on 12.02.2019, cannot be accepted.

6. However, it is argued by the learned counsel for the Petitioner that since clause 4 of the terms and conditions of the Tender states that the earnest money deposit by way of DD has to be taken after 11.01.2019, sending the Sealed cover for Tender by Post is not possible. Further, it is contended by the learned counsel for the Petitioner that the Petitioner has sent legal notice dated 13.02.2019 to the 4th respondent in this regard.

7. As a residual contention, the learned counsel for the Petitioner submits that except one sealed cover, the 4th respondent has not received any other sealed cover and thus the respondent violated the Tamil Nadu Transparency in Tenders Act, 1988 and the Tamil Nadu Transparency in Tender Rules, 2000.

8. In any event, the learned counsel for the Petitioner has not produced any substantive material to show that the Petitioner has submitted the Tender in a sealed cover before 3.00 p.m., on 12.02.2019. Further, the Petitioner has approached this court with a delay. Therefore, the relief sought for by the Petitioner cannot be granted. Accordingly, this Writ Petition is disposed of with liberty to the Petitioner to raise all grounds before the appellate authority. No costs. Consequently, connected WMP are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1.The District Collector,
District Collectorate office,
Villupuram.
- 2.Assistant Director Rural Development,
Villupuram District
- 3.Planning Director,
District Rural Development Agency
Villupuram.
- 4.Special Officer,
Block Development Officer (Village Panchayat)
Olakur Panchayat Union,
Tindivanam Taluk, Villupuram

5.Regional Deputy Block Development Officer
(Village Panchayat),
Olakur Panchayat Union, Olakur (Stay of Saram),
Tindivanam Taluk, Villupuram.

+1cc to Mr.G.Mohammed Aseef, Advocate, S.R.No.21215

WP.6173 of 2019

VD(CO)

RRS (09/05/2019)



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