

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.7233, 7249 & 7255 of 2019

and

WMP.Nos.7955, 7957, 7963, 7965, 7968 & 7969 of 2019

RT ETI Environtech Private Limited

Represented by its Authorized Signatory

Block C-118, Swagat Rain Forest 2

Opp.Swaminarayan Dham

Koba-Gandhinagar Highway

Kudasan, Gandhinagar, Gujarat.

...Petitioner

(in all WPs)

Vs.

1.The Government of Tamil Nadu

Rep. by its Principal Secretary

Highways and Minor Ports Department

Secretariat, Chennai-600 009.

2.The Superintending Engineer (H)

C&M, Coimbatore

Door No.1653, Highways Compound

Trichy Road, Coimbatore - 641 018.

3.The Divisional Engineer (H)

C&M, Udhaigai

Udhaigai.

...Respondents

(in all WPs)

Writ Petition No.7233 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining Tender Notice No.20/2018-19/HDO/dated 01.02.2019 on the file of the second respondent and quash the same and direct the respondents to re-tender the Contract for Providing Safety Rolling Barrier at Km 124/6 of Calicut Vythiri Gudalur Road (SH 12) in accordance with the Tamil Nadu Tender Transparency Act, 1998 and the Rules made thereunder.

Writ Petition No.7249 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining Tender Notice

No.20/2018-19/HDO/dated 01.02.2019 on the file of the second respondent and quash the same and direct the respondents to re-tender the Contract for Providing Safety Rolling Barrier with Ethylene Vinyl Acetate (EVA) Rollers at Km 3/8, 6/6, 7/10, 8/6, 8/10, 9/10 of Thalaikundha Kallatty Theppakkadu Road (MDR 700) in accordance with the Tamil Nadu Tender Transparency Act, 1998 and the Rules made thereunder.

Writ Petition No.7255 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining Tender Notice No.20/2018-19/HDO/dated 04.02.2019 on the file of the second respondent and quash the same and direct the respondents to re-tender the Contract for Providing Safety Rolling Barrier with Ethylene Vinyl Acetate (EVA) Rollers at Km 10/2, 10/10, 11/2, 11/6 of Thalaikundha Kallatty Theppakkadu Road (MDR 700) in accordance with the Tamil Nadu Tender Transparency Act, 1998 and the Rules made thereunder.

For Petitioner :Mr.Karthik Sundaram
(in all WPs)

For Respondents :Mr.S.R.Rajagopal
Additional Advocate General
assisted by
Mr.E.Balamurugan
Special Government Pleader
(in all WPs)

C O M M O N O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, these main writ petitions are taken up for final disposal at the admission stage itself.

2. These writ petitions are filed challenging the Tender notices dated 01.02.2019 and 04.02.2019 and consequently, seeking for a direction to the respondents to re-tender the Contract for Providing Safety Rolling Barrier with Ethylene Vinyl Acetate (EVA) Rollers at Km 3/8, 6/6, 7/10, 8/6, 8/10, 9/10 of Thalaikundha Kallatty Theppakkadu Road (MDR 700), Providing Safety Rolling Barrier with Ethylene Vinyl Acetate (EVA) Rollers at Km 3/8, 6/6, 7/10, 8/6, 8/10, 9/10 of Thalaikundha Kallatty Theppakkadu Road (MDR 700) and Providing Safety Rolling Barrier with Ethylene Vinyl Acetate (EVA) Rollers at Km 10/2, 10/10, 11/2, 11/6 of Thalaikundha Kallatty Theppakkadu Road (MDR 700) in accordance with the Tamil Nadu Tender Transparency Act, 1998 and the Rules made thereunder.

3. When these writ petitions are taken up for admission, Mr.S.R.Rajagopal, learned Additional Advocate General appearing on behalf of the respondents, based on instructions, submitted that the subject matter tender in all these three writ petitions have been cancelled by proceedings dated 08.03.2019 issued by the second respondent, the Superintending Engineer, Coimbatore. He has also produced a copy of the said proceedings dated 18.03.2019.

4. The learned counsel for the petitioner, under the above circumstances, submitted that these writ petitions may be closed by recording the above said submission made by the learned Additional Advocate General for the respondents.

5. Accordingly, all these writ petitions are dismissed as infructuous, without expressing any view on the merits of the contentions raised by the petitioner, since the subject matter tender in all these writ petitions are cancelled on 08.03.2019 itself. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

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Sub Assistant Registrar

To

1.The Government of Tamil Nadu
Rep. by its Principal Secretary
Highways and Minor Ports Department
Secretariat, Chennai-600 009.

2.The Superintending Engineer (H)
C&M, Coimbatore
Door No.1653, Highways Compound
Trichy Road, Coimbatore - 641 018.

3.The Divisional Engineer (H)
C&M, Udhagai
Udhagai.

+1 cc to Mr.Karthik Sundaram, Advocate, S.R.No.23352

+1 cc to the Government Pleader, S.R.No.24731

W.P.Nos.7233, 7249
& 7255 of 2019

GJ(CO)
SSM(09/04/2019).