

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.03.2019
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.8926 of 2019
and
W.M.P.Nos.9486 & 9973 of 2019

K.Subramanian

...Petitioner

Vs.

1. The Project Director,
District Rural Development Agency,
Krishnagiri District.
2. K.Chinnadurai
3. The Secretary to the Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Secretariat,
Chennai-600009.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the tender notice reference in Roc.No.642/2019 R3, dated 08.02.2019 and the consequential order of rejection dated 26.02.2019 passed by the 1st respondent in awarding the bid in favour of the 2nd respondent, quash the same and consequently direct the 1st respondent to award the tender in favour of the petitioner in respect of notification in TN-04-KRI-138 calling for the invitation for technical bid in respect of Upgradation of Road from Muslim Street to Durai Eri (Outer Ring Road for Shoolagiri-Berigai Road) Km0/0-1/300 for Rs.152.580 Lakhs in ROC.No.642/2019/R3 dated 08.02.2019.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.R.Govindasamy
Special Government Pleader
For R1 & R3

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents 1 & 3. Since this writ petition is being disposed of without affecting the interest of the second respondent, notice to the said respondent is dispensed with.

2. The petitioner is aggrieved against the rejection of his bid by the 1st respondent through his proceedings dated 26.02.2019. Consequently, the petitioner seeks for a direction to the 1st respondent to award the tender in favour of the petitioner.

3. According to the petitioner, he is the lowest bidder and therefore, the rejection is bad. It is also contended that the contract is going to be awarded to the 2nd respondent. Therefore, the present writ petition is filed before this Court.

4. It is seen that the petitioner has already approached the 3rd respondent-Government by way of filing a statutory appeal under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1988 on 08.03.2019 along with an application for stay. When such an appeal is filed before the 3rd respondent, it is for the petitioner to work out his remedy before the 3rd respondent and therefore, parallelly filing the present writ petition cannot be entertained.

5. The learned Special Government Pleader appearing for the respondents submitted that the tender has been awarded to the 2nd respondent and he has also commenced the work.

6. This Court, at this stage, is not expressing any view on the merits of the contentions raised by both parties, as it is for the Appellate Authority-third respondent to consider and decide the appeal on its own merits and in accordance with law. Thus, this Writ Petition is disposed of, without expressing any view on the merits of the claim made by the petitioner, only with a direction to the third respondent to pass orders on the appeal filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order, after giving due opportunity of hearing to all the parties concerned. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sni/mk

To

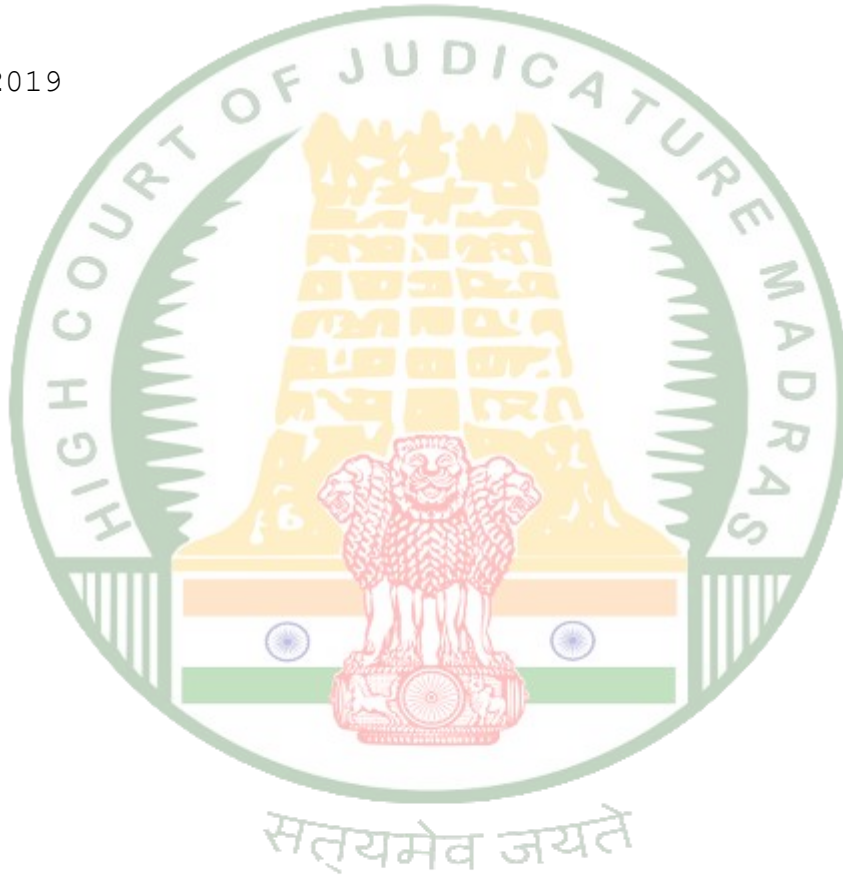
The Secretary to the Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Secretariat,
Chennai-600009.

+1cc to M/s.Thamarai Selvan, Advocate, S.R.No.29612

+1cc to the Government Pleader, S.R.No.30474

W.P.No.8926 of 2019

RR(CO)
CS/15/05/2019



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