

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 18567 of 2019
and
W.M.P. No. 17887 of 2019

G. Shanthi

... Petitioner

-vs-

1. The Commissioner cum Secretary,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Salem.
4. The Executive Officer,
Arulmigu Pathrakali Amman Temple,
Mechari,
Metur Taluk,
Salem District.
5. Nallappan,
Mechari,
Mettur Taluk,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First to Third Respondents herein to cancel the oral tender confirmation order passed by the Fourth Respondent in favour of the Fifth Respondent and declare it as illegal and void, consequently direct the First to Fourth Respondents herein to conduct fresh tender by following the procedure laid down in the Transparency of Tender Act and as per the rules of Hindu

Religious and Charitable Endowment Act and also by giving adequate opportunity to the Petitioner to participate in the tender by giving tender form by considering the representations of the Petitioner dated 11.06.2019.

For Petitioner : Mr. V. Sugendran

For Respondents: Mr. M. Maharaja,
Special Government Pleader
(for R1 to R4)

O R D E R

Heard Mr. V. Sugendran, Learned Counsel for the Petitioner and Mr. M. Maharaja, Learned Special Government Pleader appearing for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The complaint of the Petitioner, who was having a contract for supplying pooja items to the Temple of the Fourth Respondent, is that without issuing any advertisement in widely circulated newspapers, the Fourth Respondent had called for fresh tender and issue of tender form to the Petitioner has been refused to participate despite her request for the same. In that factual backdrop, the Petitioner has sought for a direction to the First to Third Respondents to cancel the confirmation order passed by the Fourth Respondent in favour of the Fifth Respondent and for consequential direction to conduct fresh tender following the relevant legal provisions after giving adequate opportunity to the Petitioner to participate in the tender.

3. It is represented by the Special Government Pleader, on instructions, that the notification of the tender had been published in the Dinamani newspaper and that the Petitioner was issued the tender form on 04.06.2019, which she has acknowledged by signing in the register maintained for the same. It is further stated that the Petitioner did not submit the filled up tender form till the closing time and instead she had demanded to the Fourth Respondent on the last day of submitting the tender on 11.06.2019 that the tender should be allotted only to her which could not be acceded in violation of law. It is informed that four persons had submitted the tender and the tender forms were opened on 12.06.2019 in which the Fifth Respondent was successfully awarded the contract. Learned Special Government Pleader has filed a memo dated 02.07.2019 to that effect with copies of relevant documents supporting the same, which are taken on record.

4. In this incontrovertible fact situation, there does not appear to be any justification to entertain the Writ Petition which is resultantly, dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner cum Secretary,
Hindu Religious and Charitable Endowment Department,
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Chennai - 600 034.
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+1cc to the Government Pleader Sr.56121

W.P. No. 18567 of 2019

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srg [06/09/2019]

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