



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

WEB COPY

**W.P. (MD) No. 6581 of 2019**

**and**

**W.M.P. (MD) No. 5273 of 2019**

T.S.Seenivasan

... Petitioner

Vs

1.The Superintending Engineer,  
Tamil Nadu Water Supply &  
Drainage Board,  
Tirunelveli and Kanyakumari Circle,  
Tirunelveli.

2.S.Jeyasankar

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to cancel the tender issued in IFB No.01/F, Tender Notice /DO/2019 dated 24.01.2019 to the second respondent and call for afresh and conduct a fresh tender and proceed in accordance with law and provisions of the Tamil Nadu Transparency in Tenders Act 1998.

For Petitioner : Mr.P.Santhoshkumar  
For R1 : Ms.Porkodi Karnan  
For R2 : Mr.V.Karthikeyan

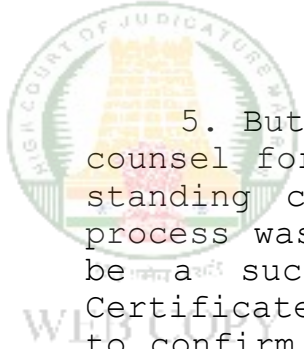
**ORDER**

Heard the learned counsel on either side.

2. The first respondent board issued a notification calling for tenders from eligible persons for carrying out the work of replacement of damaged AC pipes for Sankarnagar-Narayanammalpuram, CWSS, Tirunelveli District.

3. The writ petitioner as well as the second respondent herein took part in the said tender process. The second respondent was chosen. Seeking cancellation of the tender awarded in favour of the second respondent, this writ petition has been filed.

4. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the second respondent was obliged to submit all the documents sought for on or before 13.02.2019 itself. But then, in this case, the second respondent had produced the genuine certificate from Lakshmi Vilas Bank, Kovilpatti only on 18.02.2019.



5. But I am unable to agree with the submissions of the learned counsel for the petitioner. As rightly pointed out by the learned standing counsel appearing for the respondent Board, the entire process was over on 13.02.2019. The second respondent was found to be a successful bidder. He has submitted the Performance Certificate from Lakshmi Vilas Bank, Kovilpatti. The board wanted to confirm the genuineness of the said certificate submitted by the second respondent. Therefore, they wrote a letter on 13.02.2019 to Lakshmi Vilas Bank, Kovilpatti Branch. The bank by its communication, dated 18.02.2019 confirmed that the letter dated 12.02.2019 issued by them was true and genuine.

6. This communication took place between the Bank and the Board and the second respondent has no role to play. It is obvious that the second respondent had given the certificate issued by the Bank on 12.02.2019 itself. Therefore, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

+1 CC to M/s.PORKODI KARNAN, Advocate( SR-61581[F] dated 22/04/2019)

+1 CC to M/s.V.KARTHIKEYAN, Advocate(SR-61516[F] dated 22/04/2019)

**W.P. (MD) No. 6581 of 2019**  
**22.04.2019**

ES/14.05.2019/2P/3C