

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4196 of 2020

and

WMP No.4958 of 2020

Arul Thanigai Traders,
Rep. by its Proprietor K.M.Mahadevan,
No.76/1886, Sathiyamoorthy Nagar,
Vyasarpadi,
Chennai 600 039. Petitioner

vs

- 1.The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai-05.
- 2.The Joint Transport Commissioner,
O/o.Transport Commissioner,
Ezhilagam, Cheapuk,
Chennai-05. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents 1 and 2 to consider the petitioner's name and to issue the work order for disposal of the Waste papers (E-payment scrolls) based on the participation of tender dated 20.11.2019 and in view of the highest bid quoted by the petitioner.

For Petitioner : Mr.S.Sivkumar

For Respondents: Mr.D.Suryanarayanan
Additional Government Pleader

O R D E R

The petitioner seeks for a Mandamus directing the respondents 1 and 2 to consider the petitioner's name and to issue the work order for disposal of the Waste papers (E-payment scrolls) based on the participation of tender dated 20.11.2019.

2. The case of the petitioner is that the respondents invited tenders for sale of waste papers from Commissioner of Transport, Chennai and that he submitted his tender , which

according to him, is the highest bid. Therefore the petitioner seeks for issuing work order based on his bid.

3. A counter affidavit is filed by the first respondent, wherein it is stated that one M/s.Haritha Paper Pulping was the highest bidder and however, work order was not issued to the said highest bidder as well, since the respondent Commissionerate proposed to hand over all the waste papers to the Department of Prisons as per G.O.Ms.No.27, Transport Department dated 08.01.1985, since they are authorized to procure the waste papers free of cost for welfare of the prisoners, as various complaints have been received against each other bidders.

4. From the counter filed, it is evident that the petitioner, first of all, is not the highest bidder, apart from the fact that the respondents themselves have taken a decision not to dispose the waste papers through public auction and on the other hand, they want to hand over those waste papers to the Department of Prison for the welfare of the prisoners. Hence, I find that the petitioner is not entitled to seek for mandamus, as sought for in this writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO MDU)

//True copy//

Sub Assistant Registrar

vri

To

- 1.The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai-05.
- 2.The Joint Transport Commissioner,
O/o.Transport Commissioner,
Ezhilagam, Cheapuk,
Chennai-05.

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SSV(CO)
GMY(22/05/2020)