

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 7111 of 2020
and
W.M.P. No. 8476 of 2020

U.P.Rammiah

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
2. The Chief Engineer,
Bus Routes Road Department,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.
3. The Superintending Engineer,
Bus Routes Road Department,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing

a.The third respondent to issue the machinery certificate to the petitioner considering his application dtd 07.03.2020 and received by the third respondent on 10.03.2020;

b.The third respondent to receive the original instrument of bank Guarantee for EMD dated 12.03.2020 drawn on Indian Bank issued in favour of the petitioner and

c.The respondents to enable the petitioner to participate in the said tender process in a free, fair and transparent manner.

For Petitioner : Mr. V.Karthic
Standing Counsel
for J.Hariharan

For Respondents 1-3: Mr. Kathika Ashok
Standing Counsel

O R D E R

On consent given by either side, the main Writ Petition has been taken for final hearing.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus directing the third respondent to issue machinery certificate to the petitioner considering his application dated 07.03.2020 and to direct the third respondent to receive the original instrument of bank guarantee for the EMD and to allow the petitioner to participate in the tender process.

3. It is seen from the records that every time a tender process is undertaken by the respondent corporation, the petitioner is being made to come to this Court with a similar prayer. In the year 2018, an order was passed by this Court in W.P. No. 23495 of 2018 dated 12.09.2018, directing the respondents to issue certificate and to receive original instrument of bank guarantee. Only thereafter, the petitioner was allowed to participate in the auction. Similarly, the petitioner again approached this Court in the year 2019, seeking for similar relief and orders were passed by this Court in W.P. Nos. 31049 and 31050 of 2019, dated 08.11.2019. Thereafter, the petitioner was allowed to participate in the tender process. Even this time, the petitioner has been made to file a similar Writ Petition before this Court. The trend seems to be continuing and every time the petitioner is made to come before this Court and only pursuant to directions issued by this Court, the necessary certificate is given and thereafter the petitioner participates in the auction.

4. The learned counsel appearing on behalf of the respondent corporation submitted that the third respondent has now issued the machinery certificate to the petitioner on 16.03.2020. A copy of the same was also furnished before this Court.

5. Learned senior counsel appearing on behalf of the petitioner submitted that the third respondent must be further directed to receive the original instrument of bank guarantee for the EMD and the respondents must be further directed to permit the petitioner to participate in the tender process.

6. In view of the above development, the first relief that has been sought for by the petitioner with regard to issuance of machinery certificate has already been fulfilled by the respondents. The original certificate has been handed over to the learned senior counsel appearing on behalf of the petitioner.

7. There shall be a direction to the third respondent to receive the original instrument of bank guarantee for EMD dated 12.03.2020 and the petitioner shall submit the same and shall be allowed to participate in the tender process.

8. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

bkn
To

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

2.The Chief Engineer,
Bus Routes Road Department,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

3.The Superintending Engineer,
Bus Routes Road Department,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

+1 Cc to Mr. Karthikaa Ashok, Advocate sr 24250.

+1 Cc to Mr.K.V. Law Firm, Advocate sr 24277.

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TM(CO)
SP(20/03/2020)