

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.9209 of 2020
and
W.M.P.No.11235 of 2020

Builders' Association of India,
Rep. by its State Chairman R.Prakash,
No.63/1, 1st Main Road,
CIT Nagar,
Chennai - 600035 ... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Highways Department,
Fort St.George,
Chennai - 600 009.
2. The Superintending Engineer,
Highways,
Construction and Maintenance,
Chennai Circle,
Chennai.
3. The Superintending Engineer,
Highways, NABARD and Rural Roads,
Chennai.
4. The Superintending Engineer,
Highways,
Construction and Maintenance,
Villupuram.
5. The Superintending Engineer,
Highways, NABARD and Rural Roads,
Villupuram.

.. Respondents

Prayer:

Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Mandamus forbearing the respondents herein, their men, servants or agents or anyone claiming under them from in any manner calling for any tenders in respect to any construction/ improvement/ up keeping of road

works or any other works pursuant to the representation by the petitioner dated 23.06.2020.

For Petitioner	:	Mr.AR.L.Sundaresan, Senior Counsel for Mrs.A.L.Gandhimathi
For Respondents	:	Mr.R.Govindasamy Special Government Pleader

O R D E R

This matter is taken up for hearing through Video-Conferencing mode.

2. Heard Mr.AR.L.Sundaresan, learned senior counsel appearing for the petitioner and perused the materials placed before this Court.

3. The petitioner seeks for a Mandamus forbearing the respondents from in any manner calling for any tenders in respect to any construction/ improvement/ up keeping of road works or any other works pursuant to the representation made by the petitioner dated 23.06.2020.

4. According to the petitioner, they are not in a position to participate in the tender process due to the present pandemic situation. Therefore, it is stated that they made the above representation before the Government and the said representation has not been considered so far.

5. On going through the prayer, I find that the present writ petition with such a prayer itself is not maintainable, more particularly, when the petitioner seeks for a positive mandamus to prevent the Government from calling for any tenders in respect of any works by citing the present pandemic situation and the lock down announced by the Government. Needless to say that the Government has already announced that the persons willing to participate in the tender process are entitled to travel and e-pass will be granted to them. Therefore, when such being the position, I do not think that the petitioners are entitled to maintain the present writ petition by making their representation before the Government. The positive mandamus as sought for in this writ petition cannot be granted, as it would paralyse the functioning of the Government.

6. Accordingly, the Writ Petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar
//True Copy//

Sub Assistant Registrar

mk/vsi

To

1. The Secretary to Government,
State of Tamilnadu,
Highways Department,
Fort St.George, Chennai - 600 009.

2. The Superintending Engineer,
Highways,
Construction and Maintenance,
Chennai Circle,
Chennai.

3. The Superintending Engineer,
Highways, NABARD and Rural Roads,
Chennai.

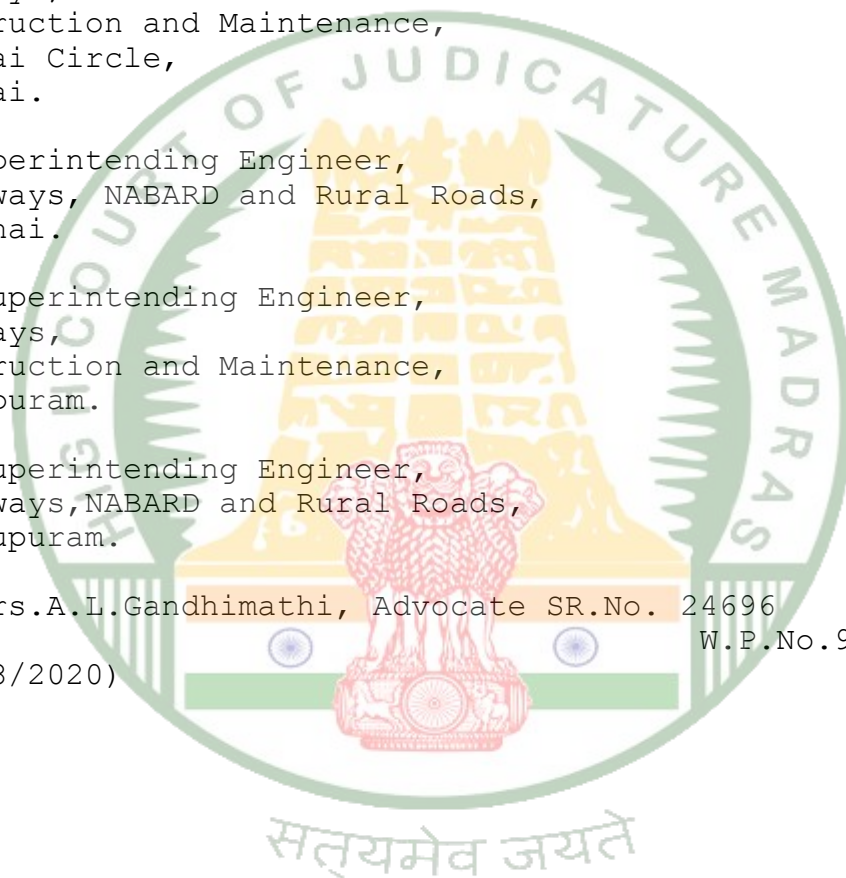
4. The Superintending Engineer,
Highways,
Construction and Maintenance,
Villupuram.

5. The Superintending Engineer,
Highways, NABARD and Rural Roads,
Villupuram.

+1cc to Mrs.A.L.Gandhimathi, Advocate SR.No. 24696

W.P.No.9209 of 2020

A.SK(03/08/2020)



WEB COPY