



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.02.2020**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.3236 of 2020

S.Gunasekaran

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Executive Engineer,
W.R.O./P.W.D,
Periyar - Vaigai Basin Division,
Madurai-2.
- 3.The Executive Engineer,
W.R.O/P.W.D,
Gundar Basin Division,
Madurai - 2.
- 4.The Executive Engineer,
Building (Construction & Maintenance) Division,
Medical Works,
Madurai -2.
- 5.The Executive Engineer,
Buildings (C & M) Division,
Madurai - 2.
- 6.The Executive Engineer,
Periyar Main Cannel Division,
W.R.O/P.W.D.,
Melur,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 6 to issue tender notice to the petitioner for the works to the value of within ten lakhs under the respective jurisdiction of respondents 2 to 6 before issuing the tender schedule on the basis of the petitioner's representation dated 04.12.2019.



For Petitioner : Mr.T.Vadivelan
For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

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ORDER

Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents 2 to 6, to issue tender notice to the petitioner for the works to the value within Rs.10 lakhs under the respective jurisdiction of the respondents 2 to 6 before issuing the tender schedule on the basis of the petitioner's representation dated 04.12.2019.

4. The petitioner claims to be a State Level Registered P.W.D Contractor for the past 30 years and he has been undertaking all P.W.D works, which have been allotted to him successfully. Now, he has also been registered as Class IV State Level Contractor. It is stated that a Tender Inviting Authority shall communicate the notice inviting tender to the Bulletin Officer according to the value of more than Rs.30 lakhs. Thereafter, the authority shall communicate the notice inviting tender to the Bulletin Officers according to the value of the procurement.

5. It is further stated by the petitioner that despite he being a registered Contractor and entitled to carry out the work to the limit of Rs.10 lakhs and in such nature of works though paper publication is not mandatory, the issuing of tender notice to the petitioner individually and for all registered contractors, is necessary. Without complying with the norms and Rules, the respondents cannot award work to anybody else, which would be in violation of the Tamil Nadu Transparency in Tenders Act 1998. Therefore, the petitioner requested the respondents 2 to 6 to issue tender notice to him for the works to the value within Rs.10 lakhs and sent a representation in this regard on 04.12.2019.

6. Considering the limited scope of the prayer sought for, without going into the merits of the case, the respondents 2 to 6 are directed to consider the representation of the petitioner dated 04.12.2019 and pass appropriate orders on the same, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the above direction, the writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar (CO)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

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- 5.The Executive Engineer,
Buildings (C & M) Division,
Madurai - 2.
- 6.The Executive Engineer,
Periyar Main Cannel Division,
W.R.O/P.W.D.,
Melur,
Madurai District.

+1 CC to M/s.Special Govt.Pleader (SR-7046[F] dated 19/02/2020)
+1 CC to M/s.T.VADIVELAN, Advocate (SR-7139[F] dated 19/02/2020)

W.P (MD) No. 3236 of 2020

18.02.2020

pm

SDS (03.03.2020) 3P-9C

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