



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2020

CORAM:

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.4616 of 2020

Gobi Maharaja Food Products,
rep., by its Partner
S.Thandavamoorthy

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai 600 009.

2.A/m.Dhandayuthapani Swamy Temple
rep., by its Executive Officer,
Palani 624 604, Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned tender document No.01/2019-2020/HRCE/TN issued by the second respondent, quash the same as arbitrary and unconstitutional and consequently direct the second respondent to issue the tender afresh for every month for supply of Nattu Sakkarai to the second respondent temple.

For Petitioner	: Mr.S.P.Samuevel Gunasingh
For Respondents	: Mr.V.R.Shanmuganathan Special Government Pleader

ORDER

This writ petition has been filed in the nature of the Certiorarified Mandamus with respect to a tender issued by the second respondent, Executive Officer of Arulmigu Dhandayuthapani Swamy Temple, Palani inviting tenders for supply of Nattu Sakkarai (Jaggery powder) which is used for making Panchamirtham Prasadam.

2.One of the grievances raised by the petitioner is that though the petitioner was registered as MSME under The National Small Industries Corporation Limited (NSIC), there was an insistence on him to pay security deposit amount.



3.Today, counter affidavit has been filed on behalf of the second respondent stating that exemption has been granted on that ground to the petitioner. It was also contended that the petitioner had run out of time in filing his bid. In the counter affidavit, it had been stated that the time has been extended.

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4.The learned counsel for the petitioner states that the petitioner had participated in the tender and offered his quotation. It is now open to the respondents to declare a successful tenderer based on the tender documents. Interference of this Court in that regard has to be prohibited and it would be extremely inappropriate at this stage to examine those issues. In view of the same, in the Writ Petition nothing survives for adjudication.

5.The petitioner has also raised further issue with respect to the tender, namely, the period for procurement has been increased from four weeks to 17 weeks. However, having participated in the tender and having offered a bid, it would be highly inappropriate for the petitioner to turn around and question the terms of the tender. If he is not inclined to abide with the conditions of the tender, he may not participate. The other issue raised by the petitioner regarding the percentage of the earnest money deposit, cannot be raised by him, since the extension of time has been granted by him to deposit earnest money deposit. The issues raised by the petitioner do not survive and accordingly, the Writ Petition fails and the same is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department, Chennai 600 009.

2.The Executive Officer,
A/m.Dhandayuthapani Swamy Temple
Palani 624 604, Dindigul District.

+1 CC to M/s.P.SAMUVEL GUNASINGH, Advocate (SR-11014[F] dated 11/03/2020)

W.P (MD)No.4616 of 2020
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<https://hdservices.courts.gov.in/hdservices> MS/43005/2020/23. 4C