



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.6991 of 2020 and

WMP(MD) Nos.6412 & 7760 of 2020

G.Muthuraj

... Petitioner

Vs.

1. The Executive Officer,
Tiruppuvanam Special Grade Town Panchayat,
Tiruppuvanam,
Sivagangai District.

2.The Assistant Director,
Tiruppuvanam Special Grade Town Panchayat,
Tiruppuvanam,
Sivagangai District.

3.Rajendran,
Sanitary Supervisor,
Tiruppuvanam Town Panchayat,
Tiruppuvanam,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to cancel the works allotted to the third respondent without conducting any tender and further direct the respondents 1 and 2 to conduct fresh tender by inviting tender applications by way of paper publication and issuing notice to all the registered contractors for the works of erection of submersible pump and installation of sintex tank in Tiruppuvanam Special Grade Town Panchayat.

For Petitioner : Mr.J.Anandkumar

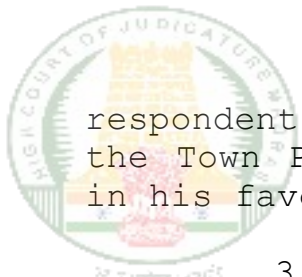
For R1 & R2 : Mr.S.Angappan
Government Advocate

For R3 : Mr.P.S.Rajasekaran

O R D E R

Heard the learned counsel on either side.

2. The petitioner alleges that without following the tender procedures, the respondents 1 & 2 have entrusted the third respondent to carryout certain works. When the matter was taken up for hearing, the learned counsel appearing for the third



respondent pointed out that the third respondent is an employee of the Town Panchayat and denied that the works have been nominated in his favour.

3. The learned counsel appearing for the respondents 1 & 2 submitted that the District Collector vide proceedings dated 28.05.2020 had accorded administrative sanction for carrying out a number of works. Since, we are now facing COVID -19 pandemic, exemption has been obtained from the applicability of Tamil Nadu Tender Transparency Act, 1998. That apart, I am of the view that the writ petition has to be dismissed for the simple reason that the petitioner's rights are in no way infringed. The petitioner was a contractor registered with the first respondent. His request for renewing the registration was denied. Hence, the petitioner filed W.P.(MD) No.7635 of 2020. I allowed the Writ Petition by order dated 06.08.2020 and directed the registration of the writ petitioner. But the Department filed W.A.(MD) No. 639 of 2020 before the Honourable Division Bench and vide order dated 27.08.2020, the order of this Court was stayed. The order of Division Bench was passed in the presence of the writ petitioner herein.

4. As of now, the position that remains is even if the relief sought for by the writ petitioner is granted, the petitioner is not going to derive any benefit. The writ petitioner's legal rights are not infringed in any manner. This is not a Public Interest Litigation. Therefore, I decline to interfere in the matter. The Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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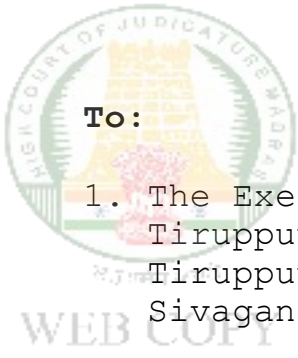
Sub Assistant Registrar (CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1. The Executive Officer,
Tiruppuvanam Special Grade Town Panchayat,
Tiruppuvanam,
Sivagangai District.

2. The Assistant Director,
Tiruppuvanam Special Grade Town Panchayat,
Tiruppuvanam,
Sivagangai District.

+1 CC to SGP (SR-16772[F] dated 14/09/2020)

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-16978[F] dated
15/09/2020)

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