



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.08.2020
CORAM**

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) .No.7583 of 2020
and
W.M.P. (MD) .No.7073 of 2020

S.Rajalakshmi

...Petitioner

Vs.

- 1.The District Collector,
Theni District.
- 2.The Project Director,
District Rural Development Agency,
Theni District.
- 3.The Assistant Director (Panchayats).
Theni District.
- 4.The Commissioner / BDO,
Bodinayakanur Panchayat Union,
Bodinayakanur.
- 5.P.Gopinathan
- 6.S.Renganathan
- 7.Easwari
- 8.Manoharan

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to forbear the respondents 5 to 8 from proceeding with the work assigned to them illegally by the fourth respondent on 23.06.2020 without following the due procedures and then direct him to call for a fresh tender by following the procedures in Tamil Nadu Transparency in Tender Act and its Rules.

For Petitioner : Mr.R.Suriyanarayanan

For R-1 to R-3 : Mr.M.Rajarajan
Additional Government Pleader

For R-4 : Mr.J.Gunaseelan Muthiah



ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Standing counsel appearing for the fourth respondent.

2.The petitioner has moved this Court for restraining the respondents from proceeding with the petition mentioned works. The petitioner specifically alleges that the respondents have not followed the procedure laid down in Tamil Nadu Transparency in Tender Act and the Rules framed thereunder.

3.This Court directed the respondents to clarify the factual possession. It is seen that the BDO, Bodinayakanur Village Panchayat Union, Bodinayakanur, has issued a tender notification dated 15.06.2020, calling for tenders in respect of four works.

4.It is seen that the contract value for the four works are above Rs.10,00,000/-. The petitioner is only a Class V contractor. The petitioner can take part in contracts valid upto Rs.6,00,000/-. Therefore, there is considerable merit in the objection of the learned Standing counsel that the petitioner is not having locus standi to file this Writ Petition.

5.But then, thereafter, the petitioner's counsel pointed out that unless the respondents satisfy this Court that there was proper publication, this Court would not be justified in closing this Writ Petition. Therefore, this Court called upon the respondents to make available the relevant publications. It is seen that the tender notification was published in Theekathir Newspaper issued on 17.06.2020. Likewise, it was also published in the Theni District tender bulletin. Both the copies have been made available. Since the tender notification was published in the District tender bulletin, I am satisfied that no interference is called for in this Writ Petition. That apart, it is stated that 50% of the works had also got concluded. Hence, it may be not be proper for this Court to interfere at this point of time. The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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.

To

1.The District Collector,
Theni District.

2.The Project Director,
District Rural Development Agency,
Theni District.

3.The Assistant Director (Panchayats).
Theni District.

+1 CC to M/s.Special Govt.Pleader (SR-14883[F] dated 25/08/2020)

+1 CC to M/s.J. GUNASEELAN MUTHIAH, Advocate (SR-14847[F] dated 25/08/2020)

ORDER MADE IN
W.P. (MD) .No.7583 of 2020
21.08.2020

tsg

SDS (02.09.2020) 3P-6C