



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

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THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No.12309 of 2020

and

W.M.P. (MD) No.10550 of 2020

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S.V.Sathiyarayanan

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Office of the Commissionerate Municipal Administration,
No.75, Santhom High Way, MRC Nagar,
Raja Annamalai Puram, Chennai-600 028.

2.Regional Director of Municipal Administration,
Popular Street, Palayamkottai,
Thirunelveli.

3.The Commissioner,
Rajapalayam Municipality,
Rajapalayam Town,
Virudhunagar District.

4.The Municipal Engineer,
Rajapalayam Municipality,
Rajapalayam Town,
Virudhunagar District.

5.Bhaskaran

6.The Secretary to Government,
Municipal Administration,
Government of Tamil Nadu,
Chennai.

... Respondents

(R6 is suo motu impleaded vide order dated 29.09.2020 in W.P.(MD) No.12309 of 2020)

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents 1 and 2 to conduct an enquiry about tender process of tender notification of Na.Ka.No.E1/2128/2020, dated 14.08.2020 on the file of the third respondent about malpractices committed by the respondents 4 and 5 and consequently direct the third respondent to confirm the petitioner tender schedule dated 02.09.2020 as successful bidder.



For Petitioner : Mr.R.Murugappan

For R1, R2 & R6 : Mr.M.Rajarajan,
Additional Government Pleader.

For R3 & R4 : Mr.Dilipkumar
R5 dispensed with

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ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents and the learned Standing Counsel appearing for the third and fourth respondents.

2.Considering the nature of relief to be granted, issuance of notice to the fifth respondent is dispensed with.

3.The Rajapalayam Municipality had issued petition mentioned tender notification. The petitioner is a registered contractor and he had participated in response thereto. The petitioner alleges that the evaluation is vitiated by malpractices. He states that he ought to have been issued with the work order. He alleges that the fifth respondent has managed to influence the proceedings.

4.I do not want to go into the said allegations made by the petitioners. In the interest of justice, I direct the third respondent to finalise the tender process immediately without any delay. If the proceedings are confirmed in favour of the petitioner, then the petitioner may not have any grievance. If the proceedings are confirmed in favour of the fifth respondent or any other person, certainly, the petitioner will have grievance. The said grievance will be ventilated only before the Appellate Authority.

5.The Secretary to Government, Municipal Administration, Government of Tamil Nadu, Chennai, who is said to be the Appellate Authority, is *suo motu* impleaded as sixth respondent in this writ petition. Mr.Rajarajan, learned Additional Government Pleader is directed to take notice for the impleaded Appellate Authority also.

6.The learned counsel appearing for the petitioner states that if the proceedings are adverse to the petitioner and if it is served on him immediately, he would move Appellate Authority immediately without any delay.

7.It is also open to the petitioner to seek any interim relief. The Appellate Authority shall dispose of the interim application on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order. The third respondent is directed to keep the proceedings in abeyance, ~~exactly for a period of 10 days from the date of receipt of a copy~~



of this order. The writ petition is disposed of, accordingly. I make it clear that I have not gone into the merits of the matter. The issue is left entirely to the discretion of the Appellate Authority. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

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 Commissioner of Municipal Administration,
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3.The Commissioner,
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Rajapalayam Town,
Virudhunagar District.

4.The Secretary to Government,
Municipal Administration,
Government of Tamil Nadu,
Chennai.

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-18424[F] dated
30/09/2020)

+1 CC to M/s.GP (SR-18532[F] dated 30/09/2020)

W.P. (MD) No.12309 of 2020
29.09.2020

srk(CO)

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