



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12533 of 2020

and

W.M.P. (MD)Nos.10697 and 10698 of 2020

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M/s.Dheek & Co.,
Represented by its Managing Partner,
Kajamalai Viji,
2, Main Road,
Kajamalai,
Trichy - 23.

... Petitioner

Vs.

1.The Secretary to Government,
Tamilnadu Local Bodies Ombudsman,
No.100, Anna Salai,
Guindy, Chennai.

2.Trichirapalli City Municipal Corporation,
Through its Commissioner,
Trichy.

3.The District Collector,
Trichy District,
Trichy.

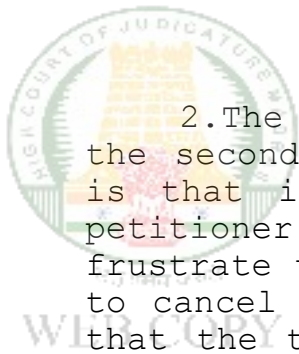
... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order of the 2nd respondent dated 14.09.2020 in Tender No.87/2020-2021 Serial No.2 and quash the same and consequently direct the 2nd respondent to open the Serial No.2 of the Tender Notice No.87/2020-2021 dated 27.07.2020 within stipulated time and date that may be fixed by this Court in the interest of justice.

For Petitioner	: Mr.G.Kaleeswaran
For R1	: Mr.D.Shanmuganatha Raja Sethupathi
For R2	: Mr.N.S.Karthikeyan
For R3	: Mrs.S.Srimathy, Special Government Pleader

O R D E R

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



2.The petitioner had taken part in a tender process floated by the second respondent corporation. The petitioner's specific case is that if the tender process had been properly concluded, the petitioner would have been selected as the tenderer. In order to frustrate the petitioner's chances, the second respondent has chosen to cancel the tender process. The petitioner's counsel points out that the tender notification dealt with two items. He would state that the tender was cancelled only in respect of the second item. This, according to him, is *mala fide*.

3.The petitioner has not named any body in person in this writ petition. That apart only an improper award can be challenged. In this case, the petitioner stated that some irregularities were committed. Therefore, the authority had chosen to cancel the tender process as regards the second item. I am of the view that this by itself cannot be questioned. The issue does not call for any interference. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

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.

To:

The District Collector,
Trichy District,
Trichy.

+1 CC to Mr.D. SHANMUGARAJA SETHUPATHI, Advocate (SR-18038[F] dated 25/09/2020)

+1 CC to SPL GP (SR-18227[F] dated 28/09/2020)

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24.09.2020

VB (06.10.2020) 2P 4C