



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.16536 of 2020

and

W.M.P. (MD)Nos.13829, 13830 and 13832 of 2020

WEB COPY

N.Palpandi

... Petitioner

Vs

1.The Managing Director,
A.1254, Theni Agricultural Products Producers,
Cooperative Sales Society,
Opp. To Weekly Market,
Periyakulam Road, Theni District.

2.The Deputy Registrar of Public Distribution,
District Lorry Tender Administration Committee,
Back side of District Collectorate Campus,
Theni District.

3.The Deputy Registrar of Cooperative,
Periyakulam Region,
Vaigai Anai Salai, Periyakulam,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the impugned tender notification floated by the respondents 1 and 2 under proceedings No.Nil, dated Nil, published in the Dinamani Tamil Newspaper on 10.11.2020 pertaining to transportation of essential commodities and to quash the same as illegal and further direct the respondents to conduct the tender in accordance with law by issuing tender schedule for all the works to the petitioner.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.C.Ramesh

Special Government Pleader

ORDER

(This Petition was heard through Video Conferencing)

This writ petition has been filed, challenging the impugned tender notification issued by the respondents 1 and 2 under proceedings No.Nil, dated Nil, published in the Dinamani Tamil Newspaper on 10.11.2020, pertaining to transportation of essential commodities on the ground that despite repeated request, the



respondents has not issued the tender schedule to the petitioner.

2. Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner and Mr.C,Ramesh, learned Special Government Pleader, who has accepted notice on behalf of the respondents.

3. It is the case of the petitioner that he has been regularly participating in the tender floated by the first respondent for the purpose of transportation of essential commodities. However, according to the petitioner, he has not been issued the copy of the tender schedule for the impugned tender notification by the first respondent, despite his representations dated 13.11.2020 and 18.11.2020. It is also the case of the petitioner that he has enclosed five demand drafts along with his representations, which were duly received by the respondents.

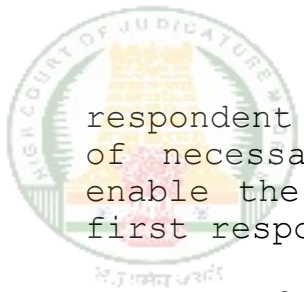
4. According to the petitioner, the first respondent is selectively giving tender schedule to persons in order to deprive the legitimate right of other eligible participants like that of the petitioner. In such circumstances, this writ petition has been filed.

5. The learned counsel appearing for the petitioner on instructions would submit that even though the petitioner has challenged the impugned tender notification dated 10.11.2020, the petitioner is satisfied if the first respondent issues the tender schedule to him. He would further submit that the last date for submission of bid under the impugned tender notification is on 23.11.2020. He would further submit that if the tender schedule is issued to the petitioner today, he will be able to participate in the tender.

6. The learned counsel appearing for the petitioner would further submit that he had already filed a writ petition in W.P.(MD) No.5942 of 2020, seeking for extension of his existing contract, which is pending on the file of this Court. He would submit that the petitioner undertakes to withdraw the said writ petition.

7. As far as the issuance of tender schedule is concerned, the first respondent will have to necessarily issue the same to any person, who have requested for the same. In the case on hand, as seen from the representations dated 13.11.2020 and 18.11.2020, the petitioner has requested the first respondent to issue tender schedule to him. Despite the same, the first respondent has not issued tender schedule to the petitioner. Tenders are floated for getting the best offers. No eligible person can be deprived from participating in the tender. This being the case, the first respondent ought to have issued the tender schedule to the petitioner.

8. For the forgoing reasons, this Court directs the first



respondent to issue the tender schedule to the petitioner on payment of necessary charges by today i.e on 20.11.2020, positively to enable the petitioner to participate in the tender floated by the first respondent.

9. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

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 Managing Director,
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W.P. (MD)No.16536 of 2020
20.11.2020

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MR (CO)

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