



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).Nos.17324, 17340, 17342, 17343 and 17346 of 2020
and W.M.P.(MD).Nos.14493, 14501, 14499, 14500 and 14502 of 2020

M.Sakthi Ammal .. Petitioner in W.P.(MD).No.17324 of 2020
M.Thanikodi .. Petitioner in W.P.(MD).No.17340 of 2020
P.Chellapandi .. Petitioner in W.P.(MD).No.17342 of 2020
M.Paraman .. Petitioner in W.P.(MD).No.17343 of 2020
R.Arunkumar .. Petitioner in W.P.(MD).No.17346 of 2020

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Joint Registrar of Co-operative Society,
Madurai Zonal Office (Co-operative Society),
Madurai.
- 3.The Deputy Registrar of Co-operative Society,
Usilampatti,
(Now the Office is situated in Thirumangalam),
Madurai District, Madurai.
- 4.The Chairman,
A 2353 Checkanurani Primary Agricultural co-operative Society,
Checkanurani (PO),
Madurai District. .. Respondents in all writ petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 3rd and 4th respondents in all writ petitions to complete the tender within a time as framed by this Court and consequently direct the respondents to enable the respective petitioners to participate in the tender subject to payment of necessary fee as stipulated in the tender notification in the view of the representation given by the respective petitioners on 10.11.2020.

For Petitioner : Mr.K.Muthu Ganesa Pandian



For Respondents

: Mr.C.Ramesh for R1 to R3
Special Government Pleader
Mr.C.Ramar for R4
Additional Government Pleader
(In all petitions)

WEB COPY

COMMON ORDER

(These writ petition were heard through video conference)

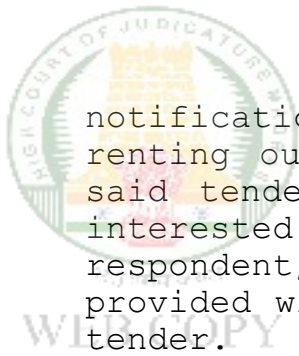
These writ petitions have been filed for a Mandamus seeking for a direction to the third and fourth respondents to complete the tender process within a time frame to be fixed by this Court and also direct the third and fourth respondents to issue the copy of the tender schedule to enable the respective petitioners to participate in the tender called for by them.

2.Heard Mr.K.Muthu Ganesa Pandian, learned counsel for the respective petitioners, Mr.C.Ramesh, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 in all writ petitions and Mr.C.Ramar, learned Additional Government Pleader, who accepts notice on behalf of the fourth respondent in all writ petitions.

3.By consent of all parties, these writ petitions have been taken up for final disposal at the admission stage itself.

4.It is the case of the respective petitioners that the fourth respondent called for a tender on 04.11.2020 for renting out six shops at A 2353, Chekanurani Primary Agricultural Co-operative Society, Chekanurani, Madurai District. According to the respective petitioners, immediately on coming to know about the tender, they approached the fourth respondent for getting a copy of the tender schedule. The Secretary of Chekanurani Primary Agricultural Co-operative Society, refused to give the copy of the tender schedule, on the ground that only to the persons, who were recommended by the Chairman of the said society, the copy of the tender schedule will be issued. It is the case of the respective petitioners that they gave a representation on 10.11.2020, seeking for copy of the tender schedule. It is the case of the respective petitioners that even though the tender was called for under the tender notification dated 04.11.2020, the same was postponed indefinitely and no date has been fixed for a fresh tender. In such circumstances, these writ petitions have been filed seeking for a direction to the third and fourth respondents to issue the copy of the tender schedule to the respective petitioners as and when the tender is called for and complete the tender within a time frame to be fixed by this Court.

5.Any interested person can participate in a tender. It is the case of the respective petitioners that tender schedule was not issued by the third and fourth respondents, pursuant to the tender



notification dated 04.11.2020, issued by the fourth respondent for renting out six shops belonging to their society. Admittedly, the said tender has also been postponed indefinitely. Being persons interested in bidding for taking the shops on lease from the fourth respondent, the respective petitioners will necessarily have to be provided with the copy of the tender schedule to participate in the tender.

6.This Court cannot direct the third and fourth respondent to complete the tender within a time frame. It is for the third and fourth respondents to decide the date of tender and completion of the same. The only limited relief that can be granted by this Court is to direct the third and fourth respondents to issue the copy of the tender schedule to the respective petitioners, as and when a fresh tender is called for on payment of necessary charges. Excepting this direction, the other direction sought for by the petitioner namely direction to the third and fourth respondents to complete the tender process within a time frame to be fixed by this Court, cannot be granted, as it is for the third and fourth respondents to fix the tender schedule. There cannot be any discrimination between bidders. Each of every eligible bidder should be provided with the copy of the tender schedule on payment of necessary charges.

7.For the foregoing reasons, this Court directs the third and fourth respondents to issue tender schedule to the respective petitioners as and when tender is called for pertaining to the lease of six shops belonging to the third respondent society at A 2353 Chekkanurani Primary Agricultural Co-operative Society, Chekkanurani, Madurai, on payment of necessary charges.

8.With the aforesaid direction, these writ petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

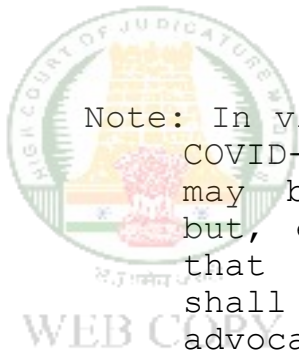
Assistant Registrar (CO)

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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.

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Joint Registrar of Co-operative Society,
Madurai Zonal Office (Co-operative Society),
Madurai.
- 3.The Deputy Registrar of Co-operative Society,
Usilampatti,
(Now the Office is situated in Thirumangalam),
Madurai District, Madurai.
- 4.The Chairman,
A 2353 Checkanurani Primary Agricultural co-operative Society,
Checkanurani (PO),
Madurai District.

+1 CC to M/s.GP (SR-23937[F] dated 03/12/2020)

**W.P(MD) .Nos.17324, 17340, 17342,
17343 and 17346 of 2020
02.12.2020**

KMV(CO)

KK(15.12.2020) 4P 6C