



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.18797 of 2020

S.Muthumari

.. Petitioner

Vs.

1.The District Collector,
Office of the District Collectorate,
Virudhunagar.

2.The Assistant Director (Panchayat),
Virudhunagar District, Virudhunagar.

3.The Commissioner,
Kariyapatti Panchayat - Union,
Virudhunagar District.

4.The Block Development Officer,
(Panchayat),
Kariyapatti,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent to provide Schedule Form to the petitioner for the tender work in No.A6/3599/2018 dated 07.12.2020 within a stipulated time.

For Petitioner	:	Mr.M.Jegadeesh Pandian
For Respondents	:	Mr.A.Muthu Karuppan for R1 and R2 Additional Government Pleader Mr.M.Thilagar for R3 and R4 Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to provide Schedule Form to the petitioner for the tender work in No.A6/3599/2018 dated 07.12.2020 within a stipulated time to be fixed by this Court.

2.Heard Mr.M.Jegadeesh Pandian, learned counsel for the petitioner, Mr.A.Muthu Karuppan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.M.Thilagar, learned Government Advocate, who accepts notice on behalf of the respondents 3 & 4.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



4.The petitioner claims that he is a Grade - III Contractor, registered with the District Rural Development Agency (DRDA), Virudhunagar. According to him, he is eligible to participate in the tender called for by the third respondent for doing several civil works (14 Panchayats and 21 works). According to him, the third respondent had called for a tender on 07.12.2020 and the last date for submission of the bids is on 22.12.2020 before 4.00 p.m. According to the petitioner, despite being eligible to participate in the tender, the third respondent is refusing to issue the tender Schedule Form in respect of the tender notification dated 07.12.2020, issued by them. The petitioner has also made a representation on 11.12.2020 to the third respondent, requesting for issuance of a tender schedule. But, according to the petitioner, despite the said representation, no tender Schedule Form has been issued to the petitioner. In such circumstances, this writ petition has been filed.

5.The petitioner claims that he is eligible to participate in the tender called for by the third respondent on 07.12.2020 in respect of several Civil works (14 Panchayats and 21 Works) at Virudhunagar. However, it is his case that despite being eligible, the third respondent has refused to issue the tender Schedule Form to the petitioner. No prejudice will be caused to the respondents, if the tender schedule is issued to the petitioner to enable him to participate in the tender called for by the third respondent on 07.12.2020. Whether the petitioner is qualified or not, can be decided by the third respondent, after the petitioner submits the bid. The third respondent cannot prevent the petitioner from participating in the tender, that too when he claims that he is eligible to participate in the tender.

6.For the foregoing reasons, this Court directs the third respondent to provide the Schedule Form to the petitioner for the tender work in No.A6/3599/2018 dated 07.12.2020, on or before 21.12.2020, before 4.00 p.m. as per the tender notification.

7.With the aforesaid direction, this writ petition is disposed of. No costs.

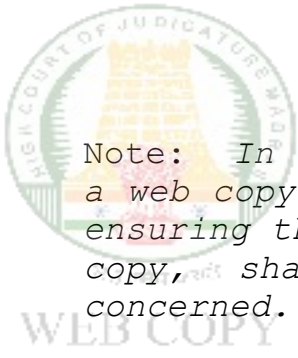
Sd/-

Assistant Registrar (AS)

// 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,
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