



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.11403, 11404 and 11405 of 2018

and

W.M.P. (MD)Nos.10399, 11599, 10400 and 10401 of 2018

Coimbatore Corporation Contractors Welfare Association,
Registration No.81/2012,
A7-Sundaresa Iyer Layout,
Trichy Road,
Coimbatore - 641 018,
Rep. by its Secretary,
K.Chandraprakash.

... Petitioner in all W.Ps

Vs

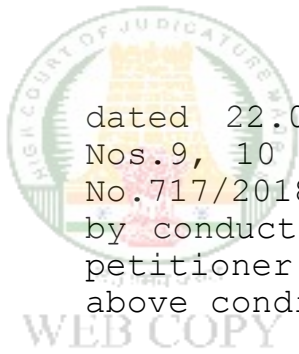
The Joint Commissioner/Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukoil,
Palani, Dindigul District.

... Respondent in all W.Ps

PRAYER in W.P. (MD)No.11403 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the tender notification in House Keeping Tender Notice No.718/2018/Civil dated on 24.04.2018 on the file of the respondent and quash the same and direct the respondent to consider the request of the petitioner dated 22.05.2018 for modification of pre-qualification condition Nos.10, 12, 13 and 16 in tender notification in House Keeping Tender Notice No.718/2018/Civil dated on 24.04.2018 on the file of the respondent by conducting a pre-bid meeting and also permit the members of the petitioner to participate in the tender without insisting upon the above conditions.

(Prayer is amended vide order dated 28.05.2018 in W.M.P. (MD)No.10458 of 2018 in W.P. (MD)No.11403 of 2018.)

PRAYER in W.P. (MD)No.11404 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the tender notification in Man Power Tenter Notice No.717/2018/Civil dated on 24.04.2018 on the file of the respondent and quash the same and direct the respondent to consider the request of the petitioner



dated 22.05.2018 for modification of pre-qualification condition Nos.9, 10 and 14 in tender notification in Man Power Tender Notice No.717/2018/Civil dated on 24.04.2018 on the file of the respondent by conducting a pre-bid meeting and also permit the members of the petitioner to participate in the tender without insisting upon the above conditions.

(Prayer is amended vide order dated 28.05.2018 in W.M.P. (MD)No.10459 of 2018 in W.P. (MD)No.11404 of 2018.)

PRAYER in W.P. (MD)No.11405 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the tender notification in Security Service Tender Notice No.716/2018/Civil dated on 24.04.2018 on the file of the respondent and quash the same and direct the respondent to consider the request of the petitioner dated 22.05.2018 for modification of pre-qualification condition Nos.9, 11 and 15 in tender notification in Security Service Tender Notice No.716/2018/Civil dated on 24.04.2018 on the file of the respondent by conducting a pre-bid meeting and also permit the members of the petitioner to participate in the tender without insisting upon the above conditions.

(Prayer is amended vide order dated 28.05.2018 in W.M.P. (MD)No.10461 of 2018 in W.P. (MD)No.11405 of 2018.)

(In all W.Ps)

For Petitioner : Mr.V.Kannan

For Respondent : Mr.V.R.Shanmuganathan,
Special Government Pleader.

C O M M O N O R D E R

Heard the learned counsel on either side.

2. The petitioner association challenges three tender notifications issued by the respondent temple on the ground that the experience condition incorporated therein would completely shutout competition and that it will lead to perpetuation of monopoly.

3. Before I could consider the said submission at length, it was submitted by the learned Special Government Pleader appearing for the respondent that the tender notifications were issued way back in the year 2018 and that it is proposed to issue a fresh notification. He also seriously questioned the *locus standi* of the writ petitioner. The petitioner herein is an association. It is not



known as to how the petitioner is aggrieved by the impugned notifications. Only an aggrieved person can file a writ petition. The petitioner has not set out as to how they are aggrieved.

4. I can appreciate the contention that the threshold prescribed by the respondent is very high. But then, the respondent is definitely entitled to prescribe experience as a qualification. The petitioner has not shown anywhere as to how its members are having at least some experience as regards the subject matter of the tenders.

5. These writ petitions are therefore dismissed on two grounds. Firstly, the subject matter has become infructuous and secondly the petitioner does not have *locus standi*.

6. I make it clear that I have not gone into the merits of the matter, as and when the respondent issues a fresh notification, if the conditions challenged in these writ petitions are retained, it would be open to the person aggrieved to question the same. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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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:

The Joint Commissioner/Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukoil,
Palani, Dindigul District.

W.P.(MD)Nos.11403, 11404 and 11405 of 2018
12.08.2020

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