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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.760 OF 2019

AND

W.M.P.NOS.35469, 837, 839, 9690, 9694 AND 9698 OF 2019

M/s.G.S.&Co., rep. by its
Managing Partner
Mr.R.Sundaram

...Petitioner

Vs.

- 1.The State of Tamil Nadu
Represented by its Secretary to Government,
Public Works Department /
Water Resources Department
Secretariat,
Chennai - 600 009.
- 2.The Engineer - in - Chief, WRD and
Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai - 600 005.
- 3.The Chief Engineer, WRD
Tiruchy Region,
Subramaniapuram,
Tiruchy - 20.
- 4.The Superintending Engineer
Public Works Department / WRD
Upper Kaveri Basin Circle,
Salem - 636 007.
- 5.Mr.K.P.Rangaraju
- 6.M/s.S.R.Constructions
Proprietor G.Subramaniyan

(R5 and R6 are impleaded vide
order dt.12/03/2019 made in
WMP.7443/19 in WP.760/19 by KRCBJ)

...Respondents



Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to Short Term Tender Notice No.04/2018-19/S.E./UCBC/ Salem dated 19.11.2018 from the file of the fourth respondent, quash the same so far as it relates to the Sl.No.1, Viz., Construction of Check Dam across Swetha Nadhi in Laddhuvadi Village in Gangavalli Taluk in Salem District and Sl.No.2 viz., Construction of Check Dam across Swetha Nadhi in Upstream of Kalliamman Koil in Kudamalai village in Gangavalli Taluk in Salem District therein and further direct the fourth respondent to call for fresh tenders regarding the above said works and finalise the same by adhering to the provisions of the Tender Transparency Act, 1998 and the Rules framed thereunder.

For Petitioner : Mr.D.Shivakumaran

For Respondents : Mr.J.Ravindran for R1 to R4
Additional Advocate General
Assisted by
Mr.M.R.Gokul Krishnan
Government Advocate
No Appearance for R5 and R6

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the entire records relating to Short Term Tender Notice No.04/2018-19/S.E./UCBC/ Salem dated 19.11.2018 from the file of the fourth respondent, quash the same so far as it relates to the Sl.No.1, Viz., Construction of Check Dam across Swetha Nadhi in Laddhuvadi Village in Gangavalli Taluk in Salem District and Sl.No.2 viz., Construction of Check Dam across Swetha Nadhi in Upstream of Kalliamman Koil in Kudamalai village in Gangavalli Taluk in Salem District therein and further direct the fourth respondent to call for fresh tenders regarding the above said works and finalise the same by adhering to the provisions of the Tender Transparency Act, 1998 and the Rules framed thereunder.

2.The learned counsel appearing for the petitioner would submit that the petitioner has filed this writ petition challenging the tender notice, however, during the pendency of this writ petition, the work was completed by the successful tenderer and would further submit that the petitioner has paid EMD, however, the petitioner is not able to produce the proof for payment of EMD and hence, this Court may permit the petitioner to work out the remedy in the manner known to law by securing original documents from the drawee Bank to PWD.



3. In view of the submission made by the learned counsel appearing for the petitioner, this writ petition is disposed of with liberty as sought for. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1. The Secretary to Government,
Public Works Department /
Water Resources Department
Secretariat,
Chennai - 600 009.
2. The Engineer - in - Chief, WRD and
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Chepauk,
Chennai - 600 005.
3. The Chief Engineer, WRD
Tiruchy Region,
Subramaniapuram,
Tiruchy - 20.
4. The Superintending Engineer
Public Works Department / WRD
Upper Kaveri Basin Circle,
Salem - 636 007.

+1cc to M/s.D.Shivakumaran, Advocate SR.No.60397

W.P.No.760 of 2019
And
W.M.P.Nos.35469, 837, 839,
9690, 9694 and 9698 of 2019

SMI (CO)
RVM(05/01/2022)