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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.15121 OF 2021

AND

W.M.P.NOS.16022, 16024 & 16026 OF 2021

S.Bilal

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary,
Municipal Administration,
Urban and Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Corporation,
O/o. The Commissioner of Corporation,
Corporation of Vellore,
Infantry Road,
Vellore - 632 001.
3. The Zonal Officer Zone II,
O/o. The Zonal Officer,
Sathuvachery,
Vellore - 632 009.

... Respondents

PRAYER:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to Call for the records of the Impugned Tender Notice dated 24.06.2021 in Na.Ka.No.15272/2017/A1 of the 2nd respondent and quash the same and all consequential proceedings in so far as it relates to the tender for the lease of the Pay and Use Toilet in Old Bus Stand Vellore shown in Serial No.7 of the Impugned Tender Notice dated 24.06.2021 in Na.Ka.No.15272/ 2017/A1 of the 2nd resprndent as the same being not-transparent illegal and arbitrary and to consequently direct the 2nd respondent to conduct the auction with regard to the same.



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For Petitioner : Mr.Mr.Muralikumaran
For M/s.MCGan Law Firm

For Respondents : Mr.A.Selvendiran
Government Advocate for R1

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mrs.P.Shanthi
Standing counsel for R2 and R3

O R D E R

Pursuant to the earlier orders passed by this Court on 27.08.2021, a reply affidavit for the additional affidavit has been filed by the 3rd respondent. The affidavit has explained in detail as to how the allegations made by the petitioner is not correct and also an explanation has been given with regard to the contents as found in the video graph that was played before this Court on 27.08.2021.

2. The allegations made by the petitioner and the explanation given by the respondent corporation involves disputed question of facts. This Court while exercising its jurisdiction under Article 226 of Constitution of India, does not go into the disputed question of facts, since it involves appreciation of evidence. Therefore, this Court is not in a position to give any finding on the allegation made by the petitioner and the defence that has been raised by the respondent corporation. It will also not be safe for this Court to give any such finding without appreciation of evidence.

3. The dispute involved in the present case only pertains to Serial No.7 in the tender notification dated 24.06.2021. This item in the tender notification pertains to issuance of license to the pay and use toilet at the old bus stand. This Court takes into consideration the interest of the respondent corporation and this Court does not want this particular tender in any way to cast aspersions against the corporation and bring a slur on the image of the Corporation. Therefore, this Court deems it fit to direct the Corporation to conduct a fresh auction with respect to serial No.7 of the earlier tender notification dated 24.06.2021. It is made clear that this direction should not create an impression as if the earlier tender called for by the respondent corporation with regard to serial No.7 is vitiated. This direction is given only to ensure that the Corporation is not taking sides either with the petitioner or with the persons who have submitted their bids and it wants to come out clean with regard to conducting the auction for serial No.7 which



pertains to issuance of license to the pay and use toilet. Instead of wasting the time before this Court and delaying the process, it would be appropriate if the corporation is directed to issue a fresh tender notification for serial No.7 and complete the process within the time limit fixed by this Court.

4. In view of the above, there shall be a direction to the 2nd respondent to issue a fresh tender notification for serial No.7 of the earlier notification dated 24.06.2021, which pertains to issuance of licence for the pay and use toilet in the old bus stand. The process shall be completed and the license shall be issued to the successful bidder, within a period of four weeks from the date of receipt of copy of this order.

5. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu,
Municipal Administration,
Urban and Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Corporation,
O/o. The Commissioner of Corporation,
Corporation of Vellore,
Infantry Road, Vellore - 632 001.
3. The Zonal Officer Zone II,
O/o. The Zonal Officer,
Sathuvachery, Vellore - 632 009.

+1cc to M/s.MCGan Law Firm, Advocate, S.R.No.44785

W.P.NO.15121 OF 2021

GPL(CO)
PBS/28/09/2021