



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.16058 of 2021
and W.M.P Nos.16975 & 16976 of 2021

A.R.Constructions

Represented by its Partner Sundarrajan
727, East Kattukottai, Naduvalur Post,
Gangavalli Taluk, Salem District.

...Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Office of the Commissioner of Municipal Administration,
No.75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai - 600 028.

2.The Zonal Director of Municipal Administration,
Vellore Region, Vellore.

3.The Commissioner,
Kallakurichi Municipality,
Kallakurichi.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records with respect of impugned Tender Notification (Reference No.2220/2018/E1) issued by the 3rd respondent through online on 19.07.2021 in Tender ID No.2021_MAWS_205843_1 and quash the same consequently directing the respondents to permit the petitioner herein to perform with the work which is subject matter of the work order dated 09.11.2018 in ROC No.2220/2018/E1 issued by the 3rd respondent by considering the representation of the petitioner herein dated 08.02.2021 and 16.06.2021.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.A.Selvendiran
Government Advocate for R1 & R2

Mr.P.Srinivas for R3
Standing Counsel



ORDER

This writ petition has been filed challenging the impugned Tender Notification issued by the 3rd respondent and for a consequential direction to the respondents to permit the petitioner to continue with the work and complete the same, within the time frame fixed by this Court.

2. Heard Mr.R.Nalliyappan, learned counsel appearing on behalf of the petitioner, Mr.A.Selvendiran, learned Government Advocate appearing on behalf of the respondents 1 and 2 and Mr.P.Srinivas, learned Standing Counsel appearing on behalf of the 3rd respondent.

3. It is seen from records that the petitioner had participated in the earlier tender that was conducted by the 3rd respondent in the year 2018 and he was the successful bidder. A work order was also issued in favour of the petitioner through proceedings dated 09.11.2018. Thereafter, the work order is said to have been cancelled by the 3rd respondent by proceedings dated 01.02.2021 and the same has been made a subject matter of challenge before this Court in W.P.No.3572 of 2021 and the same is pending. In the meantime, the 3rd respondent has proceeded to issue a fresh Tender Notification to complete the work and the same has been put to challenge in the present writ petition.

4. The learned counsel for the petitioner submitted that the petitioner may be permitted to complete the unfinished work within a time frame, so that, the petitioner will not incur loss. The learned counsel submitted that the petitioner had already started the work and it is half way through and it was not able to be complete due to the pandemic situation and therefore a sympathetic view must be taken to enable the petitioner to complete the work and thereafter, the 3rd respondent can proceed to issue a fresh Tender Notification.

5. In the considered view of this Court, interference with a tender process in exercise of jurisdiction under Article 226 of the Constitution of India has to be made very sparingly. These are administrative and commercial decisions involving the revenue of the Municipality and this Court cannot interfere with the same on sympathetic grounds. The law on this issue is now well settled. Therefore, this Court does not find any ground to interfere with the impugned Tender Notification issued by the 3rd respondent.



6. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner of Municipal Administration,
Office of the Commissioner of Municipal Administration,
No.75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai - 600 028.
2. The Zonal Director of Municipal Administration,
Vellore Region, Vellore.
3. The Commissioner,
Kallakurichi Municipality,
Kallakurichi.

+1 cc to the Government Pleader, Advocate Sr.No.38040

W.P No.16058 of 2021
and W.M.P Nos.16975 & 16976 of 2021

PCH[co]
NSK 31/08/2021