



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.19292 of 2021

and

W.M.P.Nos.20611, 20613 & 20615 of 2021

R.Pannerselvam

...Petitioner

Vs

1. The District Collector,
Moovendar Nagar,
Villupuram District - 605 602.

2. The Planning Director,
District Rural Development Authority,
Villupuram District.

3. The Block Development Officer,
Vallam Panchayat Union,
Villupuram District - 604 206.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the short term tender notification issued by the 3rd respondent vide proceedings in Na.Ka.No.A2/1781/2021 dated 03.08.2021 & Na.Ka.Aa1/2073/2021 dated 11.08.2021 and quash the same and consequently direct the respondents to issue fresh tender notification in accordance with law.

For Petitioner : Mr.C.Vigneswaran

For Respondents: Mr.V.Manoharan

Addl.Government Pleader(for R1 & R2)

: Mr.V.Veluchamy

Additional Government Pleader(for R3)

O R D E R

The prayer sought for herein is for a writ of certiorarified mandamus to call for the records relating to the short term tender notification issued by the 3rd respondent vide proceedings in Na.Ka.No.A2/1781/2021 dated 03.08.2021 & Na.Ka.Aa1/2073/2021 dated 11.08.2021 and quash the same and



consequently direct the respondents to issue fresh tender notification in accordance with law.

2. In respect of some of the works to be undertaken from the general fund of the Panchayat Union at Vallam Panchayat, the Block Development Officer concerned i.e., the 3rd respondent had issued tender notification on 03.08.2021 and 11.08.2021. According to the petitioner, who is the registered contractor, the minimum period of 15 days in respect of each of the works for submitting the tender had not been given between the tender notification and the last date for receiving the bids, therefore, it is in direct violation or conflict of Clause 20 of the Tamil Nadu Tender Transparency Rules, 2000, on that ground, these notifications have been challenged.

3. On notice, Mr.V.Manoharan, learned Additional Government Pleader appearing for respondents 1 and 2 have produced the documents, including the proceedings issued by the 1st respondent District Collector dated 24.06.2021 and various dates that, in respect of these works which are being undertaken pursuant to the tender notifications are concerned, these are all the work should be undertaken on emergent basis before onset of the monsoon as the works are to be undertaken by way of short term tender process. Therefore, such a permission had been given under clause 2 of Rule 20 of the said Rules and therefore, the 15 days mandatory period contemplated under Rule 20(1) since has been relaxed and permission granted by the 1st respondent District Collector, such a 15 days notice had not been given.

4. The learned Additional Government Pleader also has submitted that, however, within the shortest period which was given in respect of each work the prospective tenderers had filed the bids on or before the last date and each of the work, there are more than one tenderer, therefore, among the tenderers, who filed their bids in respect of each of the work, the least tenderer was selected and in whose favour the work was allocated and work order was given.

5. Since these works are to be urgently undertaken, those works have been in fact completed and in this regard, in order to show the completion of those works, photographs have been filed before this Court by the learned Additional Government Pleader, wherein, the work with regard to digging of bore well, installation of water tank and the laying of fence for the nursery to be maintained and also the laying of pipeline by installing motor etc. all have been completed.

6. Therefore, the learned Additional Government Pleader submits that, insofar as these works are concerned, they covered



under the tender notification were undertaken on emergent basis, for which relaxation, has already been given by the District Collector by exercising his power under Rule 20(2) of the said Rules, hence there can be no impediment for the respondents to complete the work by awarding the contract to the successful bidders in respect of each of the work, he contended.

7. I have considered the said submissions made by the learned counsel appearing for the parties, especially the learned Additional Government Pleader appearing for the respondents.

8. Even though there is a provision under Rule 20(1) that, 15 days time shall be given for those works which are estimated for less than Rs.2 Crores for making the bids i.e., between the date of notification and the last date to receive the bids, that 15 days time can very well be relaxed by the authority concerned, here who is the District Collector/1st respondent is the authority who has already given such relaxation, that these works are to be undertaken by short term tenders and therefore, the 15 days mandatory period has now been relaxed in this case. Moreover, pursuant to the impugned tender notification, the successful tenderer were selected and accordingly works have been handed over who have completed the work and even for completing the work also photos are filed before this Court. Therefore, at this juncture, there is absolutely no reason to stall the tender process and moreover, the entire work since have been completed, the challenge made against the tender notification virtually has become an infructuous one and therefore, this Court, at this juncture, for the reason stated above, is not inclined to accept the reasons given by the petitioner to have the successful challenge of the impugned notification.

9. In the result, this Writ Petition fails, hence, it is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The District Collector,
Moovendar Nagar, Villupuram District - 605 602.



2. The Planning Director,
District Rural Development Authority,
Villupuram District.

3. The Block Development Officer,
Vallam Panchayat Union,
Villupuram District - 604 206.

+1cc to the Government Pleader, S.R.No.64353

W.P. No.19292 of 2021

SSD(CO)
RGA(06/01/2022)