



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.27453 of 2021

and

W.M.P.No.28970 of 2021

Sri Lakshmi Construction,
Represented by its Proprietor,
V.Munikrishnan
Old No.86/5, New No.153, Palla Street,
Irungal Village, Sengadu Post,
Cheyyar Taluk,
Thiruvannamalai District.

...Petitioner

-vs-

1.The District Collector (Development)
Tiruvannamalai,
Tiruvannamalai District.

2.The Commissioner
Panchayat Union, Annakkavoor,
Cheyyar Taluk,
Tiruvannamalai District.

3.The Block Development Officer,
Panchayat Union, Anakkavoor,
Cheyyar Taluk,
Tiruvannamalai District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the second and third respondents to issue a Challan and Tender application with respect to short term tender notification in Na.Ka.VaA3/3445/2021 dated 26.11.2021 issued by the second respondent and short term tender notification in Na.Ka.VaA2/704/2020 dated 26.11.2021 issued by the second respondent and to ensure free and fair tender process as per the Tamil Nadu Transparency in Tenders Rules, 2000.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader for R1
Mr.S.J.Mohamed Sathik
Government Advocate for R2 and R3



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the second and third respondents to issue a Challan and Tender application with respect to short term tender notification in Na.Ka.VaA3/3445/2021 dated 26.11.2021 issued by the second respondent and short term tender notification in Na.Ka.VaA2/704/2020 dated 26.11.2021 issued by the second respondent and to ensure free and fair tender process as per the Tamil Nadu Transparency in Tenders Rules, 2000.

2. There was a tender notification issued by the second respondent dated 26.11.2021, according to which, the filled in tender forms shall be submitted on or before 23.12.2021 at 4 p.m.

3. In this context, it is the grievance of the petitioner that, when the petitioner made an attempt to get a tender form, the same was not given to the petitioner and despite his repeated attempts, the tender schedule has not been given to the petitioner. Therefore in order to get the tender schedule, he has approached this Court seeking for a mandamus as prayed for herein.

4. Heard Mr.E.Sathiyaraj, learned counsel appearing for the petitioner, who having reiterated the aforesaid would seek indulgence of this Court to issue a mandamus as prayed for.

5. However, Mr.S.J.Mohamed Sathik, learned Government Advocate appearing for the second and third respondents has received the written instructions from the second respondent dated 21.12.2021, which reads thus:

" I submit here with the present situation regarding the case filed by M/S Lakshmi Construction, Irungal in W.P. No. 27453 of 2021 and W.M.P. No. 28970 of 2021 on the file of Hon'ble High Court of Madras.

I humbly inform you that it would be useful to inform the Hon'ble High Court that due to Administration Reason, the tender is Cancelled and Proper Cancellation Notice is displayed in Office Notice Board."

6. Relying upon this written instruction, the learned Government Advocate would contend that, due to the administrative reason, the tender notification dated 26.11.2021 has been cancelled with regard to the further tender notification, it would be published in the newspapers, he contended.



7. In view of the said decision taken by the respondents, where the very tender notification dated 26.11.2021 itself is cancelled, the petitioner cannot have any grievance as espoused in this Writ Petition at present. Therefore no further orders is required to be passed in this Writ petition as the prayer itself has become infructuous.

8. Recording the same, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

rap / vji

To

1. The District Collector (Development)
Tiruvannamalai,
Tiruvannamalai District.

2. The Commissioner
Panchayat Union, Annakkavoor,
Cheyyar Taluk,
Tiruvannamalai District.

3. The Block Development Officer,
Panchayat Union, Annakkavoor,
Cheyyar Taluk,
Tiruvannamalai District.

+1cc to Mr.E.Sathiyaraj, Advocate SR.No.68585

+1cc to the Government Pleader SR.No.69022

W.P.No.27453 of 2021
and
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NMI (CO)
RVM(10/01/2022)