



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P(MD)No.3336 of 2021

and

W.M.P(MD)No.2683 of 2021

Paulraj

... Petitioner

Vs.

1.The Assistant Director,
Town Panchayats,
Nagerkovil Post,
Kanyakumari District.

2.The Executive Officer,
Killiyoor Town Panchayat,
Killiyoor Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned order in No.521/2021, dated 25.01.2021 issued by the second respondent and quash the same as illegal and consequently to direct the first respondent to direct the second respondent to issue fresh tender notice for the years 2020-2021 in accordance with law.

For Petitioner : Mr.R.Alagumani

For R - 1 : Mr.P.Thilak Kumar
Standing Counsel for Government

For R - 2 : Mr.M.Muthu Geethayan

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the impugned order, dated 25.01.2021 issued by the second respondent and to quash the same and consequently to direct the first respondent to direct the second respondent to issue fresh tender notice for the years 2020-2021 in accordance with law.



2.The main grievance of the petitioner is that the tender notification was not published in the District Bulletin, which is a mandatory procedure under the Tamil Nadu Transparency in Tender Act, 1998.

3.The second respondent called for a tender on 25.01.2021 and the same was uploaded in the Website and was published in one issue of Malai Malar Newspaper on 02.02.2021.

4.In the counter-affidavit filed by the second respondent it has been stated that the notification was published in Kanyakumari District of Malai Malar Newspaper, however, the same was not published in the District Bulletin.

5.On a reading of Rule 5 of the Tamil Nadu Transparency in Tender Rules, 2000, it is clear that the publication of the tender in the District Bulletin is mandatory. Since the publication of the tender was not done in accordance with the provisions of the Act, we are of the considered view that the tender notification is liable to be set aside. Accordingly, the same is set aside. However, we give liberty to the second respondent to issue fresh tender notification as per the provisions of the Tamil Nadu Transparency in Tenders Act, 1998.

6.With these observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

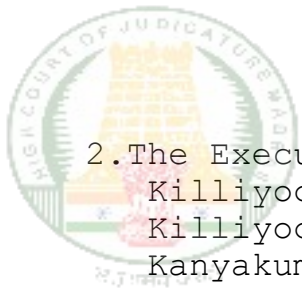
Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Assistant Director,
Town Panchayats,
Nagerkovil Post,
Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Executive Officer,
Killiyoor Town Panchayat,
Killiyoor Post,
Kanyakumari District.

WEB COPY

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate(SR-25326[F]dated 05/08/2021)

+1 CC to M/s.GP (SR-25488[F] dated 06/08/2021)

W.P (MD) No.3336 of 2021
05.08.2021

RK (12.08.2021) 3P 5C