



WEB COPY

W.A.[MD]No.445 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.445 of 2019

and

C.M.P. [MD]No.4193 of 2019

A.Joseph Sahaya Selvam : Petitioner/Appellant

Vs.

1.The State of Tamil Nadu,  
Rep. by Secretary to Government,  
Public Works Department,  
Secretariate, Chennai.

2.The Superintending Engineer,  
Public Works Department,  
Building (Construction & Maintenance) Circle,  
Tirunelveli - 627 002. : Respondent/Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 05.02.2019, in W.P.[MD]No.159 of 2019.

**Prayer in WP(MD) . 159/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, call for the records pertaining to the Tender Notice No.14 2018-19 dated 06.12.2018 issued by the 2nd respondent and quash the same and issue a consequential direction to the 2nd respondent to call for fresh tender for the work contract as mentioned in tender Notice no.14 2018-19 dated 6.12.2018.

For Appellant : Mr.B.Tamilnidhi

For Respondents : Mr.A.K.Manickam

Standing Counsel for Government

### JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.B.Tamilnidhi, learned Counsel appearing for the appellant and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents.

2.This Writ Appeal by the writ petitioner is directed against the order dated 05.02.2019, in W.P.[MD]No.159 of 2019.

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



3.The prayer sought for in the writ petition is to quash the tender notice No.14, 2018-19 dated 06.12.2018 issued by the second respondent and for a consequential direction to call for fresh tender.

WEB COPY

4.The appellant herein has filed a miscellaneous petition in C.M.P.[MD]No.4193 of 2019, wherein he has sought for impleadment of the respondents 3 and 4, the fourth respondent being the successful tenderer. However, it is submitted today that the proposed third respondent has retired from service and fourth respondent is no more. Further more, the tender itself has worked itself out. Therefore, we find no reason to interfere with the impugned order.

5.Accordingly, this Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

**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 Secretary to Government,  
State of Tamil Nadu,  
Public Works Department,  
Secretariate, Chennai.

2.The Superintending Engineer,  
Public Works Department,  
Building (Construction & Maintenance) Circle,  
Tirunelveli - 627 002.

+1CC to M/s.SP1 GP,SR.No.20336 dated 25.06.2021

+1CC to Mr.B.Tamilnidhi,Advocate, SR.No.20118 dated 24.06.2021

W.A.[MD]No.445 of 2019

23.06.2021

KB(06.07.2021) 2P 5C

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