



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.15719 of 2021

WEB COPY

Sundaram

... Petitioner

Vs.

- 1.State represented by
The Additional Secretary to Municipal Administration,
St.George Fort,
Chennai - 600 009.
- 2.The Director of Town Panchayat,
Kuralagam, Chennai.
- 3.The District Collector,
Kanyakumari District, Nagercoil.
- 4.The Assistant Director of Town Panchayat,
Nagercoil, Kanyakumari District.
- 5.The Executive Officer,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai,
Kanyakumari District.
- 6.T.C.Satheesh Kumar,
- 7.Rajini Ganth

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to take necessary action against the 5th respondent for illegally tender allotted to the 6th and 7th respondents on the basis of the petitioner's representation dated 09.07.2021.

For Petitioner : Mr.S.Muniyandi
For R1 to R5 : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks a direction in relation to a tender-cum-auction which was conducted in the year 2020.

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



2. The petitioner states that he participated in the above mentioned tender-cum-auction process for the grant of licence for collection of fees at specific markets. The petitioner alleges that although he was ready and willing to participate at such tender-cum-auction, the amounts deposited by him were returned to him. Consequently, he was not permitted to participate at such tender-cum-auction. It is further alleged that respondents 6 and 7 were granted licences at such tender-cum-auction in an irregular manner on account of the close nexus between such persons and one Mr.T.C.Raju.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 5. He points out that the indirect challenge is to a tender that took place in March 2020. He also points out that the Tender Condition No.4 made it mandatory that a bidder at such tender-cum-auction should submit a Demand Draft as indicated therein towards the security deposit. In the case at hand, he points out that the petitioner failed to do so and, therefore, he was not permitted to participate at such tender-cum-auction.

4. The State as a procuring or selling entity is granted considerable latitude while conducting a tender or auction. In judicial review, the Court interferes only if the petitioner concerned is able to provide reasonable evidence of irregularities in the tendering process. The petitioner herein has challenged a tender after the expiry of almost 1 ½ years. He is admittedly an unsuccessful bidder who did not remit the requisite security deposit at such tender. While general allegations of irregularities have been levelled against respondents 4 to 7, such allegations have not been substantiated in any manner.

5. For the reasons set out above, the petitioner has completely failed to make out a case to interfere directly or indirectly with the tendering process. Therefore, W.P.(MD). No.15719 of 2021 is dismissed without any order as to costs.

Sd/-

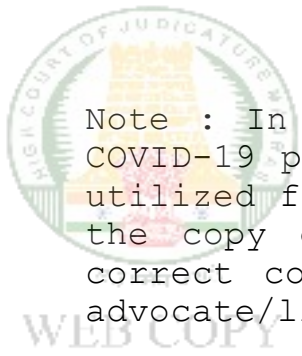
Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

tsg



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

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- 5.The Executive Officer,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-28344[F] dated 07/09/2021)

W.P (MD) No.15719 of 2021
03.09.2021

SRR (CO)
SB(14.09.2021) 3P 7C