



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P. (MD) .No.22706 of 2021**

**and**

**W.M.P. (MD) .Nos.19179 and 19180 of 2021**

WEB COPY

Kandasami

... Petitioner

**Vs.**

1. The Superintending Engineer,  
Highways,  
Construction and Maintenance (C & M),  
Highways Circle,  
Madurai - 625 002.
2. The Divisional Engineer,  
Highways,  
Construction and Maintenance (C &M),  
Sivagangai,  
Sivagangai District.
3. The Divisional Engineer,  
Highways,  
Construction and Maintenance (C & M),  
Ramanathapuram,  
Ramanathapuram District.

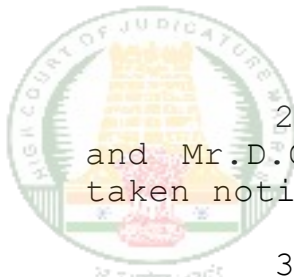
... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the tender in Tender Notice No.10/2021-22/HDO/Dated 26.11.2021 on the file of the first respondent and quash the same in so far as the Sivagangai (H) C & M Division, Item Nos.1, 2 and 3 and direct the respondent to conduct re-tender after following the procedure laid down under the Tamil Nadu Tender Transparency in Tenders Act, 1998 and Tamil Nadu Tender Transparency in Tender Rules, 2000.

For Petitioner : Mr.V.Kannan  
For Respondents : Mr.D.Ghandiraj,  
Special Government Pleader

**ORDER**

The limited scope of the Writ Petition is very narrow. Permission was sought in the Morning for moving this Writ Petition as lunch motion. After hearing learned counsel for the petitioner, the permission was granted. The matter is taken up for hearing.



2. Heard Mr.V.Kannan, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader who have taken notice on behalf of the respondents.

3. The petitioner calls in question a tender notification dated 26.11.2021 issued by the Highways Department/Construction and Maintenance (C & M)/Highways Circle, Madurai. There are conditions attached to the notification. If the petitioner wants to participate in the auction, he has to satisfy all the conditions. One of the condition is given at clause 8 namely to produce the documents for own possession of sufficient plants and machineries. Learned counsel for the petitioner contends that he is in possession of such documents. The only grievance is that the official who has to certify has not come forward to certify the documents.

3. It is also stated that the original EMD and other original/attested tender documents shall be uploaded and shall be received by Superintending Engineer (H) C & M, Madurai Circle on or before 20.12.2021 at 2.00 p.m. Today is 20.12.2021. Now it is 15.00 hours/3.00p.m. Permission is granted to the petitioner to do the necessary on or before 12.00 Noon on 21.12.2021. The petitioner should produce necessary documents, and he can, if he so advised participate in the auction.

4. Let the other schedule be kept up, namely, that the bids shall be opened on 21.12.2021 at 4.00 P.M. Let the bids be opened and whoever has bid the highest amount may be declared as the successful bidder. Keeping the Writ Petition on the file of this Court would only hamper a decision from being taken by the authorities.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr

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



To

1. The Superintending Engineer,  
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3. The Divisional Engineer,  
Highways,  
Construction and Maintenance (C & M),  
Ramanathapuram,  
Ramanathapuram District.

+1 CC to M/s.V.KANNAN, Advocate ( SR-39619[F] dated 20/12/2021 )

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**20.12.2021**

USK (20.12.2021) 3P 5C