



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :31.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.990 OF 2022

AND

W.M.P.NO.1053 OF 2022

M.Thilagavathi

...Petitioner

Vs

1.The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur, 641 604.

2.The Senior Manager,
Metal Scrap Trade Corporation Limited (MSTC)
SRO, No.5, 3rd Floor,
Kodampakkam High Road,
Chennai-34.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the 2nd respondent to issue work order for Lot No.5 based on the tender application and price quote submitted by the petitioner within a stipulated period.

For Petitioner : Mr.M.Loganathan

For Respondents : Mrs.C.Sangamithirai,
Special Government Pleader

ORDER

The present petition has been filed seeking direction to the 2nd respondent to issue work order for Lot No.5 based on the tender application and price quote submitted by the petitioner.

2. The case of the petitioner is that the 2nd respondent issued e-tender notification for various works including removal iron pipes in the 1st respondent municipal corporation limits. The petitioner applied for Lot No.5 for removal of iron pipes from Mettupalayam head work station upto Tiruppur kumar nagar and subsequently the application of the petitioner for participating e-auction was accepted by the 2nd respondent and



for which, he had paid an amount of Rs.1,00,000/-. Thereafter, the 2nd respondent closed the e-auction abruptly without any information to the buyers. Aggrieved by the same, the petitioner made a representation dated 03.01.2022 before the 2nd respondent. However, till date, no orders has been passed on the representation made. Hence, this Writ Petition.

3. The learned counsel for the petitioner submitted that no work order has been issued by the 2nd respondent in favour of the petitioner. Even after the representation dated 03.01.2022, till date, no orders have been passed on the same. The 2nd respondent failed to appreciate the fact that even as per tender notification clause, the bids cannot be cancelled.

4. The learned Special Government Pleader appearing for the respondents submitted that since no person has qualified for the earlier tender, the Government has cancelled the tender.

5. In view of the submission made by the learned Special Government Pleader, nothing survives for adjudication and the Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the respondent is directed to return the money to the petitioner, if received by EMD. In the circumstances of the case, there shall be no order as to costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur, 641 604.

+1cc to the Government Pleader Sr.No.6492

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AJS (CO)
RVM(25/02/2022)