



WEB COPY

WP.Nos.23213 of 2022 and etc.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.09.2022

CORAM:

THE HON'BLE DR.JUSTICE ANITA SUMANTH

WP.Nos.23213, 23216, 23222, 23225, 23229, 23230, 23234, 23596, 23606, 23613, 23609, 23614, 23619, 23632, 23639, 23643, 23793 & 24023 of 2022
and

WMP.Nos.22181, 22184, 22188, 22191, 22193, 22195, 22198, 22563, 22564, 22565, 22570, 22571, 22574, 22579, 22583, 22585, 22572, 22573, 22575, 22581, 22582, 22584, 22586, 22587, 22588, 22594, 22595, 22596, 22771, 22772, 22988, 22989 & 22990 of 2022

WP.No.23213 of 2022

S.Chellappan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Gandhi Irwin Road, Egmore,
Chennai-600 008.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Kancheepuram North,
Kancheepuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus, forbearing the respondents in any manner proceeding further or finalizing the tender conducted by the respondent pursuant to the public tender in NA.KA.No.229/A3/2022 dated 02.08.2022 as illegal against the judgment of this Court in W.P.21540 of 2022 and others and against the provisions of The Tamil Nadu Transparency in Tenders Act, 1998 and



consequently directing the respondents to conduct re-tender by imposing appropriate conditions to ensure free and fair tender.

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WP.Nos.	For Petitioners	For Respondents
WP.Nos.23213, 23216, 23222, 23225, 23229, 23230 & 23234 of 2022	Mr.K.M.Vijayan, Senior Counsel for M/s.K.M.Vijayan Associates	Mr.K.Sathish Kumar, Standing Counsel
WP.Nos.23596, 23606, 23613, 23609, 23614, 23619, 23793 & 24023 of 2022	Mr.AR.L.Sundaresan, Senior Counsel for Ms.AL.Ganthimathi	
WP.Nos.23632, 23639 & 23643 of 2022	Mr.V.Jayaprakash	

COMMON ORDER

I have had occasion to consider the identical issue that arises in these writ petitions, in a batch of writ petitions in W.P.Nos.21391 of 2022 etc. batch, wherein the challenge to tender notification dated 02.08.2022 has been accepted. The relevant portion of order dated 30.09.2022 reads as follows:-

'99. SUMMARY OF CONCLUSIONS:

- (i) The batch of Writ Petitions challenging tender Notification are allowed and impugned tender Notification dated 02.08.2022 is quashed.*
- (ii) In light of order of this Court in W.P.Nos.1515 to 1518 of 2018 dated 28.03.2018 that has attained finality, the State having*



accepted the order in full and reiterating such acceptance in subsequent orders passed in W.P.(MD) No.1839 of 2018 etc. batch on 19.11.2018 and following the orders of this Court dated 28.03.2018 and 19.11.2018, clauses (1) to (6) of the impugned Circular No.A3/19/2014 dated 22.07.2014 are set aside and the State directed to issue a Circular afresh strictly in line with the decisions of the Division Bench in the cases of G.Sethupathy, S.Ganesan and R.Ramkumar (supra) and the observations contained in this order.

(iii) CCTV cameras shall be set up in all the TASMACH centres where they are unavailable now and it shall be ensured that the cameras are functional at all times. It shall be ensured that the events of the tender opening day are videographed, as a matter of routine. Necessary instructions shall be issued to enable the same.

(iv) In light of the aforesaid orders, mandamus, as sought, forbearing the respondents from in any manner, proceeding further or finalizing the tender conducted by the respondent pursuant to the tender notification dated 02.08.2022 is issued and re-issue of tender shall be in strict compliance of the direction at point (ii) and (iii) above.

(v) It is made clear that in subsequent tenders, it is TASMACH that



must obtain NOC from the property owners. As regards the procedure to be followed for obtaining of lease agreement by the applicants, a hassle-free, transparent and smooth procedure must be put in place by TASMAC and implemented in the tenders to follow.

100. All the Writ Petitions are allowed in the above terms. No costs. Connected Miscellaneous Petitions are closed.'

2.In light of the aforesaid order and for uniformity in approach, the same order is extended to the present petitioners as well.

3.These writ petitions are allowed. No costs. Connected miscellaneous petitions are closed.

30.09.2022

Index:Yes/no
Speaking Order
vs

To

1.The Managing Director,
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Gandhi Irwin Road, Egmore,
Chennai-600 008.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Kancheepuram North,
Kancheepuram District.

Dr.ANITA SUMANTH,J.



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VS

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