



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8390 of 2022

Vizhi Rural Development Trust - Regn.No.7/2016,
Represented by its Chairman,
Manikandan.

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Assistant Director of Town Panchayats,
Trichy Region,
Trichy.

3.The Executive Officer,
Alangudi Selection Grade,
Town Panchayat,
Alangudi Taluk,
Pudukkottai District.

...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 to award the contract for solid waste management for Alangudi Town Panchayat and other places under the control of the third respondent through public auction by calling for bids and conducting the tender process in a transparent manner as per law and permit the petitioner Trust to participate in the said tender to be conducted.

For Petitioner	:	M/s.Arul Jenifer for Mr.K.Baalasundharam
For R-1 and R-2	:	Mr.M.Lingadurai, Special Government Pleader.
For R-3	:	Mr.D.Gandhiraj

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to award the contract for solid waste management for Alangudi Town Panchayat and other places under the control of the third respondent through public auction by calling for bids and conducting the tender process in a transparent manner



as per law and permit the petitioner Trust to participate in the said tender to be conducted.

2. The petitioner was awarded the contract for removal of solid waste at Alangudi Town Panchayat and other places earlier and his last contract came to an end in the year 2021. According to him, the second and third respondents are now attempting to award contracts to third parties without conducting auction. In such circumstances, the petitioner has given a representation on 22.04.2022 requesting the respondents to conduct auction. Since the said representation has not been considered till date, he has filed this Writ Petition.

3. Heard M/s.Arul Jenifer, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the first and second respondents and Mr.D.Gandhiraj, learned counsel, who accepts notice on behalf of the third respondent.

4. The learned Special Government Pleader appearing for the first and second respondents would submit that the petitioner had also applied for getting contract for solid waste management and being unsuccessful, the petitioner has now filed this Writ Petition. He would also submit that the petitioner has no locus standi to challenge the award of the contract to any third party. He would further submit that a contract has already been awarded to a third party for solid waste management.

5. Learned counsel for the petitioner would, however, submit that without conducting auction, the third respondent cannot award contract to any third party.

6. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing.

7. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 22.04.2022 requesting the respondents to award the contract for solid waste management for Alangudi Town Panchayat and other places under the control of the third respondent only through public auction by calling for bids and conducting the tender process in a transparent manner as per law and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-I)

/ /2022

Sub Assistant Registrar(CS)

Lm

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Assistant Director of Town Panchayats,
Trichy Region,
Trichy.
- 3.The Executive Officer,
Alangudi Selection Grade,
Town Panchayat,
Alangudi Taluk,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-23248[F] dated 02/05/2022)

W.P. (MD) .No.8390 of 2022
28.04.2022

GM(CO)

GC(18.05.2022) 3P 5C