



W.P.(MD)Nos.9642 & 7334 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.9642 & 7334 of 2022

and

W.M.P(MD)Nos.6915, 6917, 6924, 5559 & 5561 of 2022

W.P.(MD)No.9642 of 2022:

Jeyaraj

... Petitioner

Vs

1.The Secretary to Government,
Highways Department,
St.George Port,
Chennai.

2.The Chief Engineer,
Highways Department,
Chepak,
Chennai – 28.

3.The Superintending Engineer,
Highways Department,
Construction and Maintenance Circle,
Tirunelveli – 2.

4.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Manikkam Nager,
Shanthi Nager,
Tirunelveli.

... Respondents



W.P.(MD)Nos.9642 & 7334 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the decision of the third respondent cancelling the accepted tender of the petitioner, in furtherance inviting re-tender / fresh bids in notification no. 39/2021-2022/HDO dated 25.04.2022 and quash the same and consequently, direct the respondents 2 and 3 to allot the project accepting the petitioner's tender bid prince in tender notification, dated 28.03.2022.

For Petitioner : Mr.A.Rajkumar Sen

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.M.Prakash
Additional Government Pleader

W.P.(MD)No.7334 of 2022:

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Vs

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Chepak,
Chennai – 28.

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For Petitioner : Mr.A.Rajkumar Sen

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.M.Prakash
Additional Government Pleader

COMMON ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Advocate General assisted by the learned Additional Government Pleader for the respondents.

2. The Superintending Engineer, Highways Department, Construction and Maintenance Circle, Tirunelveli issued tender notification dated 28.02.2022. The last date for submission of the tender document was 21.03.2022. The writ petitioner / Jeyaraj was one of the applicants.



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Unfortunately, due to the conduct of the other tender applicants, Jeyaraj became a single tenderer. Therefore, the said tender process was cancelled and the tender inviting authority issued a fresh notification 28.03.2022. The last date of submission of tender document was 18.04.2022. Again, Jeyaraj turned out to be the sole tenderer. Since the policy of the Department is to cancel the tender process where there is only a single eligible tenderer, the tender inviting authority came to issue the third tender notification on 25.04.2022 and the last date of submission of the tender document was 16.05.2022.

3. The writ petitioner again participated in the third tender process. This time, there were five participants. Out of them, two of them including Jeyaraj became eligible. Other tenderer, namely, Ragul was declared to be the lowest tenderer. I can only express my sympathy for the writ petitioner. WP(MD)No. 7334 of 2022 challenging the cancellation of the second tender notification will have to be dismissed, because I cannot fault the policy of the department that where there is only a single tenderer, they will have to go for a fresh tender notification. Since in third tender there were two participants, the tender accepting authority cannot be faulted for having selected Rahul.



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4. Therefore, both the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

26.07.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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