



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22297 of 2022

P.Muthandi

..Petitioner

Vs

1.The Secretary to Government,
Public Works Department,
St.Fort George,
Chennai – 600 009.

2.The District Collector,
Madureai District,
Madurai.

3.The Superintending Engineer,
Public Works Department(WRO),
Periyar Vaigai Basin Circle,
Madurai.

4.The Executive Engineer,
Public Works Department(SRO),
Periyar Main Canal Division,
Melur,
Madurai 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 fourth respondent to issue notice inviting tender to the Petitioner enabling him to participate in the tender process by considering the Petitioner's representation, dated 26.08.2022.



For Petitioner : Mr.P.Thennavan

For Respondents: Mr.C.Satheesh
Govt.Advocate

ORDER

The Writ Petition is filed seeking issuance of a Writ of Mandamus directing the fourth respondent to issue notice inviting tender to the Petitioner enabling him to participate in the tender process, by considering the Petitioner's representation, dated 26.08.2022.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that the Petitioner is a registered Civil Work Class-V Contractor under the fourth respondent right from the year 2006 and he is doing various works under the fourth respondent for many years and had completed all the works without any adverse remarks. The Petitioner has renewed his registration periodically and lastly, renewed on 11.5.2022, which is valid upto one year. Further a sum of Rs.409.27/- lakhs is allotted by the State Government for repairing of damaged canals and to maintain the canals, Kanmois under the fourth respondent. However, the fourth respondent has allotted works to the contractors according to their own whims and fancies, without following the rules as mandated in the Tamil Nadu Transparency in Tenders Rules, 2000.The



Petition mentioned five works are now carried out. The said works have been allotted without publishing tender notice inviting tender through newspapers as contemplated under the Tamil Nadu Transparency in Tenders Rules, 2000. The petitioner being a Class-V contractor, personally went to the office of the fourth respondent and seeks work contract and requested him to publish tender notification for the works allotted and to send notice inviting tender to all the eligible contractors to participate in the tender process. In this regard, the Petitioner has sent a representation on 26.08.2022 to the fourth respondent. Since the same has not been considered, the Petitioner has filed the present Writ Petition.

4. The Petitioner's case was considered by the authorities and submitted that the Petitioner being Class-V Contractor, is eligible to carry out the contract works upto the value of Rs.6 lakhs in the Division Level and in this regard a certificate was issued to the Petitioner, which is valid for one year from 11.5.2022. The tender notices were issued for various works on 9.5.2022, 8.6.2022, 13.6.2022 and 20.6.2022 and the same were sent to various registered contractors and also affixed in the display board in the Office. Since the Petitioner being a Class-V Contractor and his Certificate was submitted to the respondents on 2.8.2022 and at that point of time, the tender process was over. It is further submitted tender notices were not published, as the value of the tender is Rs.10 lakhs and below and only for tender to the value of Rs.30 lakhs, tender



notice has to be published. The petitioner made representation on 26.8.2022 and that the Petitioner is eligible only to carry out works upto Rs.6 lakhs and when the Petitioner submitted his Certificate, the tender process is over, the Petitioner's prayer become infructuous.

5.For the tender in question, the Petitioner was not eligible and therefore, he was not called for and the Petitioner has to upgrade himself to the next higher level for which he desired ie, for contract work to the value of more than Rs.6 lakhs.

6.The Petitioner being a class-V Contractor, if any future works carried out and if he eligible for the same,the authorities are directed to issue notice to him prior to the calling for the tender process and participate in the future tenders, as notified, if so desired.

7.With the above directions, the Writ Petition stands disposed of. No costs.

27.10.2022

Index : Yes/No

Internet:Yes/No

vsn

<https://www.mhc.tn.gov.in/judis>



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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN

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