



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.10.2022
CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

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Writ Petition (MD) No.24236 of 2022

K.S.K.Harikrishnan

.. Petitioner

Versus

1.The Secretary to Government,
Tamil Nadu Rural Development Department,
Secretariat,
Chennai.

2.The District Collector,
Madurai District,
Madurai.

3.The Additional Collector/Project Director,
District Rural Development Agency,
Madurai District,
Madurai.

4.The Commissioner,
Thirupparankundram Panchayat Union,
Madurai District.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the fourth respondent to open the tender called for as per Na.Ka.No.2729/2022/A2, dated 16.09.2022 and declare the lowest bidder as a successful bidder in a date fixed by this Court.

For Petitioner	:	Mr.C.Venkatesh
For Respondents 1 to 3:		Mr.C.Satheesh
		Government Advocate
For 4 th Respondent	:	Mr.J.John Rajadurai
		Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the fourth respondent to open the tender called for as per Na.Ka.No.2729/2022/A2, dated 16.09.2022 and declare the lowest bidder as a successful bidder, within a time frame.

2.Heard Mr.C.Venkatesh, learned counsel appearing for the petitioner, Mr.C.Satheesh, learned Government Advocate, who takes



notice for the respondents 1 to 3 and Mr.J.John Rajadurai, Government Advocate, who takes notice for the fourth respondent. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is a Contractor, doing contract works in the name and style of 'Pravin Constructions' in and around Madurai District, for the past several years. On 16.09.2022 the fourth respondent issued a tender notification, calling for tenders between 23.09.2022 at 12.00 pm. and 30.09.2022 at 03.00 pm., for providing paver block pavement in Keelakuilkudi Jain Temple, at Keelakuilkudi Panchayat in Thirupparankundram Block under GF (22-23), at an estimated cost of Rs.32,56,000/- and the auction will be held on 30.09.2022 at 03.00 pm. The petitioner applied for the said tender through online application on 29.09.2022 and prepared to participate in the tender auction fixed on the above said date. Thereafter, on enquiry with the fourth respondent, the petitioner came to know that the auction was cancelled on the said date and it was postponed to some other date. In order to favour some persons, who are having political influence, the fourth respondent is adopted delaying tactics and has not opened the tender bid so far. Therefore, the petitioner sent a representation dated 12.10.2022 to the respondents herein. However, the same has not been considered so far. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

4. The learned Government Advocate appearing for the fourth respondent, on instructions, submitted that the fourth respondent issued a tender notification, calling for tenders for laying paver block in Keelakuilkudi Jain Temple, at Keelakuilkudi Panchayat in Thirupparankundram Block, at an estimated cost of Rs.32,56,000/-. The said tender notification has been cancelled due to administrative reasons and a notice to that effect has also been affixed in the Notice Board of the fourth respondent. Further, as per Serial No.13 of the tender notification and as per Section 12 (2) of the Tamil Nadu Transparency in Tenders Act, 1998, the tender accepting authority before passing the order accepting a tender, may also reject all the tenders for reasons such as changes in the scope of procurement, new technologies or substantial design changes, lack of anticipated financial resources, Court orders, accidents or calamities and other unforeseen circumstances. In this case, electric poles are standing in the road and the same will be a constraint for laying Paver Block and therefore, the authorities are in conduct with the Electricity Department for shifting the E.B. Poles in order to provide thorough free area to the Contractors to lay the Paver Block.

5. Recording the above said submission made by the learned Government Advocate appearing for the fourth respondent, this Writ Petition is closed, directing the fourth respondent to give



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intimation to the petitioner well in advance, whenever going to open the bid. No costs.

Sd/-

Assistant Registrar (A.E)

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/11/2022

Sub Assistant Registrar (CS)

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To

1.The Secretary to Government,
Tamil Nadu Rural Development Department,
Secretariat,
Chennai.

2.The District Collector,
Madurai District,
Madurai.

3.The Additional Collector/Project Director,
District Rural Development Agency,
Madurai District, Madurai.

4.The Commissioner,
Thirupparankundram Panchayat Union,
Madurai District.

+1 CC to M/s.SPL.GP (SR-51032[F] dated 26/10/2022)

W.P. (MD) No.24236 of 2022
20.10.2022

AMS (03.11.2022) 3P 6C