



W.P.(MD)No.25400 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.25400 of 2022

C.Muthukaari

.. Petitioner

Versus

1.The District Collector,
O/o.District Collectorate,
Sivagangai District.

2.The President,
Ilayankudi Panchayat Union,
Ilayankudi,
Sivagangai District.

3.The Block Development Officer,
Yemaneswaram via,
Kumarakurichi,
Sivagangai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents to allow the petitioner to participate in the tender notification as per Notification in Na.Ka.No.A2/700/2022, dated 30.05.2022, based on the petitioner's representation, dated 07.11.2022.

For Petitioner : Ms.V.Sebastinal Preethi

For 1st Respondent : Mr.A.Kannan
Additional Government Pleader

For Respondents 2 and 3: Mr.A.Baskaran
Additional Government Pleader



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, forbearing the respondents to allow him to participate in the tender process as per Tender Notification in Na.Ka.No.A2/700/2022, dated 30.05.2022, based on his representation, dated 07.11.2022.

2. Heard Ms.V.Sebatinal Preethi, learned counsel appearing for the petitioner; Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the first respondent; and Mr.A.Baskaran, learned Additional Government Pleader, who takes notice for the respondents 2 and 3. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, on 07.10.2022 the second respondent issued a Tender Notification, inviting tenders in respect of the works, namely, construction of cement road, paver block road and bath tub and fixed a date for opening of the bid on 21.10.2022 at 04.30 pm. The petitioner is fully eligible to participate in the said tender. However, with an ulterior motive, the second respondent restrained him from participating in the said tender in order to give favours to some third parties, by making syndicate with them. Therefore, his right to participate in the tender process would be severely affected. The petitioner has submitted a representation on 07.11.2022 in this regard. Since



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the petitioner's request has not been considered, he has approached this Court, by way of filing the present Writ Petition for the relief stated supra.

4. When the matter was taken up for hearing on 09.11.2022, this Court directed the concerned Block Development Officer to be present before this Court on 10.11.2022 [today].

5. Today, when the matter is taken up for hearing, the Block Development Officer, Ilayangudi, Sivagangai District, who present before this Court, has submitted that the tender schedule was issued to the petitioner on 09.11.2022 and the petitioner has also submitted his bid and the same is yet to be opened.

6. Considering the aforesaid facts and circumstances of the case, this Court is of the view that the Block Development, Ilayangudi, Sivagangai District, cannot pick and choose a person to whom the tender is to be given and he cannot act on his own whims and fancies. Hence, directs him to follow the procedures established and conduct fair tenders by issuing tender schedule well in advance.

7. This Writ Petition is disposed of with the above observation. No costs.

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To

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V.BHAVANI SUBBAROYAN, J.

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