



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
AND  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)NO.26320 OF 2022  
and  
W.M.P(MD)Nos.20506 of 2022**

S.M.Anthony Muthu,  
Son of Swamyadian  
CPIML(Liberation)office,  
Colachel and Post,  
Kanyakumari District.

:Petitioners

.VS.

- 1.The Chairman,  
Arasu Rubber Corporation Limited,  
Panagal Buildings,  
Jeenis Reoad,  
Saidapet,  
Chennai – 600 015.
- 2.The District Collector,  
Kanyakumari District,  
Nagercoil.
- 3.Mr.Dinkar Kumar,  
The Managing Director,  
Arasu Rubber Corporation Limited,  
Vadasery,  
Nagercoil.
- 4.The Divisional Manager,  
Arasu Rubber Corporation Limited,  
Chithar Division,



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Chithar,  
Kanyakumari 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 cancel the auction cum tender notice vide Ref.No.D1/662/2022, dated 6.10.2022 and issue re-tender in the matter.

For Petitioner

:Mr.C.T.Perumal

For Respondents

:Mr.P.Thilak Kumar  
Government Pelader

### **O R D E R**

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**(Order of the Court was made by D.KRISHNAKUMAR,J)**

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents to cancel the auction cum tender notice vide Ref.No.D1/662/2022, dated 6.10.2022 and issue re-tender in the matter.

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

3.The case of the Writ Petitioner is that the third respondent has called for a auction cum tender notification vide



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Ref.No.D1/662/2022, dated 6.10.2022 inviting bidders to participate in the right to do slaughter tapping of latex, felling and removal of matured rubber trees in Chithar Division of Arasu Rubber Corporation Limited. According to the Petitioner, there is an allegation that there is a corrupt practice by the third respondent namely 'Dinker Kumar, The Managing Director, Arasu Rubber Corporation Limited, Vadasery, Nagercoil and to cancel the auction cum tender notice, dated 6.10.2022.

4.The preliminary objection made by the learned Government Pleader appearing for the respondents is that if any allegation is against the third respondent, the Petitioner has to make representation to the first respondent for taking action against him. Instead of the same, the Petitioner has given representation to the second respondent/The District Collector, Kanyakumari District, who is not the competent authority to take action for cancellation of the auction cum tender notice and to take action against the third respondent. It is further stated by the learned Government Pleader that pursuant to the above said auction cum tender notice, one of the unsuccessful bidder filed Writ Petitions in W.P.(MD)Nos.27088 and 27089 of 2022 and this Court by order, dated 13.11.2022



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passed an order of interim direction recording the reasons for the interim order and had granted an interim order to stay the operation and further proceedings of the impugned order passed by the sixth respondent therein, dated 15.11.2011, till 4.1.2023. In respect of two work orders only, there is stay order and in respect of the remaining work orders, there is no interim order granted. Pursuant to the above said order, the respondents referred the matter to the Vigilance Department for conducting appropriate enquiry and to investigate into the person concerned. It is further stated that the allegation of the Petitioner is totally incorrect and that the respondent Arasu Rubber Corporation has issued publication in respect of tender notification in Times of India, in the tamil news paper and also in the State Tender Bulletin. Therefore, the said contention of the Petitioner that notification was not published in the newspaper is not correct. Further the Petitioner has not submitted representation to the official, who is competent to cancel the auction cum tender notification and on the aforesaid grounds the Petitioner's claim made in the Writ Petition is to be rejected.

5. From the above, this Court finds some force in the contention of the Respondents. Pursuant to the interim order



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granted by this Court, the matter has been referred to the Vigilance Department for investigation and insofar as publication is concerned, the auction cum tender notice in question is published in Times of India, in a Tamil daily and also in the State Tender Bulletin and hence the said contention of the Petitioner is also not acceptable. Insofar as the contention that there is allegation of bribe in awarding tender to the contractors, the learned Government Pleader would submit that the Petitioner has not submitted his representation to the competent authority, namely the first respondent and he has given representation only to the District Collector, Kanyakumari District. In the absence of any such representation and complaint given to the first respondent, this Court is not inclined to entertain the present Writ Petition

6. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

**[D.K.K.,J.] [R.V.,J.]**  
**05.12.2022**

Index:Yes/No

Internet:Yes/No

vsn



To

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**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

vsn

**ORDER MADE IN**

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**and**

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