



WEB COPY

W.P.(MD)No.26408 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26408 of 2022

and

W.M.P.(MD)Nos.20591 and 20592 of 2022

Sri Mariyammal Constructions,
Represented through one of the Partner,
M.Sanjai Ganthi, S/o.Muthuvel,
No.24-A, Mettu Street,
Anna Vassal Post,
Kulathur Taluk,
Pudukottai District.

.. Petitioner

Vs.

The Executive Officer,
Annavaasal Town Panchayat,
Annavaasal,
Pudukkottai District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Na.Ka.No.401/2022, dated 10.11.2022 on the file of the respondent and quash the same as illegal and consequently direct the respondent to issue a work order to the petitioner for laying the Paver Block stone at Adi-Dravider Street Annavaasal Town Panchayat, Pudukottai (Dist) as a highest bidder in the auction on 14.10.2022.

For Petitioner : Mr.V.Selvakumar
For Respondent : Mr.P.Subbaraj
Special Government Pleader



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ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, directing the respondent to quash impugned order Na.Ka.No. 401/2022, dated 10.11.2022 on the file of the respondent and consequently direct the respondent to issue work order to the petitioner for laying the Paver Block stone at Adi-Dravider Street Annavasal Town Panchayat, Pudukottai District, treating him as a highest bidder in the auction conducted on 14.10.2022.

2.Heard Mr.V.Selvakumar, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader, who takes notice for the respondent. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the petitioner being a successful bidder as per the tender notification, dated 30.09.2022, was not given with the work order.

4. The learned counsel for the petitioner submitted that the petitioner is a Member of a registered firm called as Mariyammal Constructions. The



petitioner filed an application as per the tender notification before the respondent. The petitioner was the successful bidder for laying the Paver Block Stone at Harizan street and awaiting work order. Suddenly, the respondent issued a re-tender notification on 10.11.2022 requiring the contractors to submit the application on or before 24.11.2022. When the same was questioned by the petitioner, the respondent did not give any proper information to the petitioner. Hence, the petitioner has filed the present writ petition.

5.The learned Special Government Pleader appearing for the respondent, on instructions, submitted that the tender was cancelled by the respondent as the bid amount quoted by the tenderers were much higher than the estimate determined by the respondent.

6.From the above submission, it is made clear that the bid amount submitted by the petitioner and other tenderers were higher than the estimate determined by the respondent. Only on that sole reason, the tender was cancelled and re-tender was announced. Hence, this Court is of the view that there is no illegality or irregularity in the cancellation of the earlier tender and no interference is called for in the order impugned in this writ petition.



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7. Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to participate afresh in the tender by filing appropriate application.

No costs. Consequently, connected miscellaneous petitions are closed.

23.11.2022

Index : Yes/No
Internet : Yes/No
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To

The Executive Officer,
Annavaasal Town Panchayat,
Annavaasal,
Pudukkottai District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.26408 of 2022

23.11.2022