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W.P.Nos.1740 & 1747 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.Nos.1740 & 1747 of 2023 &

WMP.Nos.1855, 1858, 1862 & 1864 of 2023

S.Mahadevan

... Petitioner in both
WPs

Vs

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.

2. The Zonal officer, Zone – 3,
Greater Chennai Corporation,
No.1, Thattankulam Road,
Madhavaram, Chennai – 600 060.

3. The Executive Engineer, Zone – 3,
Greaser Chennai Corporation,
No.1, Thattankulam Road,
Madhavaram, Chennai – 600 060.

... Respondents in
W.P.No.1740 of 2023

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.

2. The Zonal officer, Zone – 2,



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Greater Chennai Corporation,
Manali, Chennai – 600 068.

3. The Executive Engineer, Zone – 3,
Greaer Chennai Corporation,
Manali, Chennai – 600 068.

... Respondents in
W.P.No.1747 of 2023

Prayer in W.P.No.1740 of 2023 :- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorafied Mandamus calling for the records relating to the Tender viz, Limited E-tender Notice in Z.O.III.C.No.E1/7852/2022 dated 13.01.2023 on the file of the respondents 2 & 3 quash the same and direct the respondents to call for retender add login ID of the petitioner viz., smahadevan1989@gmail.com in all the works to participate in the tender.

Prayer in W.P.No.1747 of 2023 :- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorafied Mandamus calling for the records relating to the Tender Notices in 1] Z.O.2C.No.E1/5006/2022 [published on 14.01.23], 2] Z.O.2C.No.E1/4804/2022 [published on 18.01.2023] & 3] X.O.eC.No.E1/4805/2022 [published on 18.01.2023] on the file of the respondents 2 and 3 and quash the same and direct the respondents to issue fresh tender after following the procedure laid down under the Tamil Nadu Transparency in Tenders Act and Rules and add login ID of the petitioner viz., smahadevan1989@gmail.com in all the works as in time to participate in the tender.



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For Petitioner : Mr.V.Elangovan in both WPs

For Respondents : Mr.J.Ravindran,
Additional Advocate General
Asst. by Mrs.P.T.Ramadevi – in both WPs

COMMON ORDER

These Writ Petitions have been filed to quash the tender notices issued by the second and third respondents and quash the same and direct the respondents to call for retender add login ID of the petitioner in all the work to participate in the tender.

2. The main contention of the learned counsel appearing for the petitioner is that time has not been granted as per the Tamilnadu Transparency in Tenders Rules. According to the learned counsel, only short time has been granted in the tender notice instead of minimum time contemplated in the Rule 20 of the Tamilnadu Transparency in Tenders Rules.

3. The learned Additional Advocate General appearing for the



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respondents would submit that time has been reduced taking note of the urgency of the work for removal of water from the lake and arrest further growth of thorn bushes. As per Sub Clause 2 of the Rule 20 of Tamilnadu Transparency in Tenders Rules, time has been reduced and the tender process is already over and tender is complete and at this stage, the process cannot be stalled.

4. I have perused the entire materials available on record. The entire tender process has been completed on 20.01.2022 itself and only work Order has to be issued. The Writ Petition has been filed in the last minute on the ground that sufficient time has not been granted. Though the Rule 20 of Tamilnadu Transparency in Tenders Act and Rules contemplates 15 days notice, sub clause 2 of the rule stipulates that any reduction in the time stipulated as per sub-rule (1) has to be specifically authorized by an authority superior to the Tender Inviting Authority. The Order dated 09.11.2022 passed by the Revenue Divisional Officer has been placed before this Court. Wherein it is stated that the time limit has been reduced in order to continue the work to arrest further growth of thorny bush. In such view of the matter, this Court is of the view that when the entire



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tender process is already over, this Court cannot entertain this Writ Petition to stall the entire process of the tender, in the interest of the public at large. Accordingly, the Corporation is directed to strictly follow the rules contemplated in Tamilnadu Transparency in Tenders Rules hereafter without any deviation to avoid any doubt or suspicion while inviting tenders.

5. With the above directions, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

23.01.2023

Index : Yes/No

Neutral Citation : Yes/No

vrc

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No.1, Thattankulam Road,
Madhavaram, Chennai – 600 060.

4. The Zonal officer, Zone – 2,
Greater Chennai Corporation,
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N.SATHISH KUMAR, J.

VTC

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