



W.P.No.3224 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.3224 of 2023 &

WMP.Nos.3277, 3278 of 2023

Chithra

Union Council Member for Ward 7
Anakavur Panchayat Union Council,
Old No.1/41, New No.58, Naicker Street,
Anapathur Village, Cheyyar Taluk,
Thiruvannamalai District.

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat, Chennai – 600 019.
2. The District Collector,
Tiruvannamalai, Tiruvannamalai District.
3. The Additional Collector [Development],
District Rural Development Agency,
Tiruvannamalai District.
4. The Block Development Officer [Village Panchayat],
Anakkavoor, Cheyyar Taluk, Tiruvannamalai District.



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5. The Village President,
Karanai Village, Anakkavoor Block,
Cheyyar Taluk, Tiruvannamalai District.
6. The Village Prsident,
Arasur Village, Anakkavur Block,
Cheyyar Taluk, Tiruvannamalai District.
7. The Village President,
Madipakkam Village, Anakkavur Block,
Cheyyar Taluk, Tiruvannamalai District.
8. The Village President,
Kizhamattai Village, Anakkavur Block,
Cheyyar Taluk, Tiruvannamalai District.
9. The Village President,
Paiyur Village, Anakkavur Block,
Cheyyar Taluk, Tiruvannamalai District.
10. The Village President,
Kunnavakkam Village, Anakkavur Block,
Cheyyar Taluk, Tiruvannamalai District.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records related to the impugned proceedings bearing Se.Mu.No.3301/2021/A11 dated 13.01.2023 passed by the second respondent herein, the District Collector, Tiruvannamalai and quash the same in respect of the Villages under Anakkavur Panchayat Union namely the respondents 5 to 10 and consequently direct the respondents to conduct the tender proceedings through Anakkavur Panchayat Union Council as per the G.O.Ms.No.131



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dated 06.12.2022 issued by the Rural Development and Panchayatraj Department.

For Petitioner : Mr.G.Ethirajulu
for Mr.Sai Narayana Vasan

For Respondents : Mrs.R.Anitha
Special Government Pleader – R1 to 10

ORDER

This Writ Petition has been filed to quash the impugned proceedings dated 13.01.2023 passed by the second respondent in respect of the Villages under Anakkavur Panchayat Union namely the respondents 5 to 10 and consequently direct the respondents to conduct tender proceedings through Anakkavur Panchayat Union Council as per the G.O.Ms.No.131 dated 06.12.2022 issued by the Rural Development and Panchayatraj Department.

2. It is the contention of the learned counsel appearing for the petitioner that as per G.O.Ms.No.131 dated 06.12.2022 of Rural Development and Panchayatraj Department, some amendments have been made in Schedule I, II, III of Tamilnadu Panchayats [Preparation of Plans



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and Estimates for Works and Mode and Conditions of the Contracts]. As per the amendments, the power to deal the works and tender has been rescheduled. As per the amendment, the Panchayat Union Council became eligible to deal with the works costing not more than one lakh and the District Collector became eligible authority to deal with the works costing more than 5 lakhs and not more than 50 lakhs. However, contrary to the above, tenders have been invited and the petitioner being the registered contractor, no notice, whatsoever, has been issued to him. According to him, the tender issued in this regard has to be set aside.

3. In the status report filed by the fourth respondent, it is stated that a sum of Rs.20,00,000/- [Rupees twenty lakhs] per panchayat were allotted to six village panchayats, namely Arasur, Kaaranal, Vellai, Paiyur, Kunnavakkam and Madipakkam panchyats in Tiruvannamalai District for the year 2021-2022 under the Pradhan Manthri Adarsh Grama Yojna [PMAGY]. Pursuant to the said allotment, resolution has been passed by the Village Panchayat Unions and letters seeking permission from the Additional Collector [Development]/ Project District, District Rural Development Authority, Tiruvannamalai to carry out the said works were



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granted by the District Collector. On 24.01.2023 short term tenders were called for the projects which were selected to be carried out through the allotted funds. Subsequently, a modified administrative Order in Na.Ka.No.3301/2021/A11, dated 13.01.2023 has been issued calling tenders for the selected works which were called for through Block Development Officer and the powers to call for the tenders for the selected works was granted to the Presidents of the concerned village panchayats. Subsequent to the said Order, the above tenders have been invited on 03.02.2023 by the concerned Village Panchayat and the tenders which were examined and work orders for carrying out the selected works were already issued through the presidents of concerned village panchayats. Hence, opposed the Writ Petition.

4. The only grievance of the petitioner is that as per the amendment, the powers have been issued to the Panchayat contrary to G.O.Ms.No.131 dated 06.12.2022, wherein the Village panchayat president became eligible to deal with the works costing upto Rs.5 lakhs. Whereas, the amount involved in this tender is more than Rs.5 lakhs. Further, the petitioner being the registered contractor, no notice whatsoever has been issued to the



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petitioner. Hence, challenging the tender process, the present Writ Petition has been filed.

5. I have perused the revised Order dated 13.01.2023 passed by the District Collector and the same indicate that the Village Panchayat President is authorised as original tender authority for the worth upto Rs.5 lakhs. instead of Block Development Officer in pursuant to the above Government Order. The above power has been entrusted to the President of the Village Panchayats in respect of the tenders called for by the Block Development Officer. Further, only the Block Development Officer is empowered to release the funds. G.O.Ms.No.131 makes it clear that up to Rs.5 lakhs, the president of the village panchayat is empowered to deal with the tender. The grievance of the petitioner is that the tender amount involved in this matter is Rs.5,40,000/-. Therefore, the entire process is vitiated.

6. It is the further contention of the petitioner that tender has not been published in the tender bulletin. As per Rule 8 of the Tamilnadu Transparency in Tenders Act, only if the amount exceeds Rs.10 lakhs and



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is below 25 lakhs, the tender shall be published in the District Tender Bulletin. If the amount is below Rs.5 lakhs, no such publication is required. Further, Rule 12 of the Tamilnadu Transparency in Tenders Act indicate that if the tender inviting authority considers notice to all possible tenderers including registered contractor, he may issue such notice. But the Rule 12 is not mandatory. The tender amount is below Rs.10 lakhs and just few thousands more than Rs.5 lakhs. The petitioner is a Union Council Member in the Anakavur Panchayat Union. Being the Union Member of the Panchayat, he is supposed to know what is happening in the Panchayat. Merely because he has become unsuccessful in the tender, the entire tender process cannot be challenged, since most of the works have been allotted to carry out repairs in the pipe line and laying of street lights. In such view of the matter, I do not find any merits in this Writ Petition.

7. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

28.02.2023

vrc



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WEB COM Index: Yes/No

Neutral Citation : Yes/No

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N.SATHISH KUMAR, J.

VTC

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