



WEB COPY



W.P.No.9549 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9549 of 2023
and
W.M.P.No.9604 of 2023

G.Masilamani

...Petitioner

Vs.

- 1.The District Collector,
Kallakurichi District.
- 2.The Block Development Officer,
Thirunavalur Panchayat Union,
Kallakurichi District.
- 3.The Chairman,
Thirunavalur Panchayat Union,
Thirunavalur, Kallakurichi District.
- 4.G.R.Vasanthavel

5.Rajasekar

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to recall all the tender works called for in the jurisdiction East Thirunavalur Panchayat



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Union, Kallakurichi District consequently direct to float fresh tender within a time frame by considering the representation of the petitioner dated 18.02.2023.

For Petitioner : Mr.R.Nalliyappan

For R1 to R3 : Mr.R.Kumaravel
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to recall all the tender works called for in the jurisdiction East Thirunavalur Panchayat Union, Kallakurichi District consequently direct to float fresh tender within a time frame by considering the representation of the petitioner dated 18.02.2023.

2. The petitioner states that he is a Class I Contractor doing several Government Contract works in Kallakurichi District. The petitioner is a registered Clause I Contractor and the fourth respondent is the elected District Councilor of the East Thirunavalur Panchayat Union, Thirunavalur, Kallakurichi District. The fifth respondent is the son of the 4th respondent, who is also Class I Contractor and registered his name in the District Level Contractor list at Kallakurichi District.



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3. East Thirunavalur Panchayat Union consists of 22 Village Panchayats and in the said Panchayats, many tender works are called for by the first respondent through the 2nd respondent. The 5th respondent being the son of the 4th respondent, is not entitled to participate in the tender called for within the jurisdiction of the 4th respondent. However, the 4th respondent participated in all the tenders called for by the respondents 1 to 3 in East Thirunavalur Panchayat Union and was declared as L-1 Successful bidder.

4. The learned counsel for the petitioner mainly contended that the 5th respondent alone is the beneficiary in respect of the contract works and the other contractors are unable to compete on account of the fact that the contracts are awarded on extraneous considerations and pertinently, the 5th respondent is the son of 4th respondent, who is the Councillor. Since the allegations are serious in nature, the 1st respondent / District Collector, Kallakurichi District, is directed to conduct an enquiry regarding the tenders called for and in the matter of award of contract and initiate all appropriate actions in the manner known to law.



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5. The petitioner has already submitted a representation, setting aside the allegations in this regard and the said representation also shall be considered.

6. The 1st respondent / District Collector, Kallakurichi District is directed to initiate all appropriate action within a period of two months from the date of receipt of a copy of this order.

7. With this direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.03.2023

Index : Yes
Speaking order
Neutral Citation: Yes

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S.M.SUBRAMANIAM, J.

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