



W.P Nos.11941 & 11944 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P Nos.11941 & 11944 of 2023
and W.M.P Nos.11824 & 11826 of 2023

K.A.Senguttuvan

Petitioner
in both W.Ps

vs.

1.The Director of Town Panchayat,
7th and 8th Floor, Urban Administrative Building,
75, Santhome High Road,
RA Puram, Chennai – 600 028.

2.The Assistant Director,
Town Panchayat,
Kanchipuram Zone,
Collectorate, Kanchipuram – 631 501.

3.The Executive Officer,
Edaikazhinadu Town Panchayat,
Kadapakkam,
Chengalpet District – 603 304.

Respondents
in both W.P.s

Prayer in W.P.No.11941 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, by calling for the records of the 3rd respondent in impugned Notice Na.Ka.No.135/2022 dated 31.03.2023 issued by the 3rd respondent herein and quash the same and consequently direct the 3rd respondent to open the



technical bid of all the bidders who participated in the tender notification No.135 of 2022 dated 13.03.2023 for the works related to “ Providing to BT Road with Culverts at Ward No.4, Panaiyur ECR Puthiyamman Koil Madaveethi Salai and Ward No.1 Nainarkuppam 5th Cross Road (way to Anjali House) in Edaikazhinadu Town Panchayat under Kalaingar Nagarpura Membattu Thittam (KNMT) for 2022-2023”.

Prayer in W.P.No.11944 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, by calling for the records of the 3rd respondent in impugned Notice Na.Ka.No.135/2022 dated 31.03.2023 issued by the 3rd respondent herein and quash the same and consequently direct the 3rd respondent to open the technical bid of all the bidders who participated in the tender notification No.135 of 2022 dated 13.03.2023 for the works related to “Strengthening of BT Road with Drain and Culvert at Ward No.8, Vilambur Bangala Salai and GD Kuppam Link Road in Edaikazhinadu Town Panchayat under National Bank for Agriculture and Rural Development (NABAARD) 2022-23”.

For Petitioner : Mr.V.Raghavachari
Senior Counsel for
Mr.M.Narayanaswamy

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 and R2

Mr.B.Vijay
Standing Counsel for R3



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ORDER

The issue involved in both these writ petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2.W.P.No.11941 of 2023 has been filed challenging the cancellation of the tender process wherein, bids were called through tender notification dated 13.03.2023 for the works relating to providing BT Road with Culverts at Ward No.4, Panaiyur ECR Puthiyamman Koil Madaveethi Salai and Ward No.1 Nainarkuppam 5th Cross Road (way to Anjali House) in Edaikazhinadu Town Panchayat under Kalaignar Nagarpura Membattu Thittam (KNMT) for 2022-2023.

3.W.P.No.11944 of 2023 has been filed challenging the cancellation of the tender process wherein, bids were called through tender notification dated 13.03.2023 for the works relating to strengthening of BT Road with Drain and Culvert at Ward No.8, Vilambur Bangala Salai and GD Kuppam Link Road in Edaikazhinadu Town Panchayat under National Bank for Agriculture and Rural Development (NABAARD) 2022-23.



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4.The grievance of the petitioner is that the 3rd respondent after having floated the tenders invited bids and after the bids were also submitted, proceeded to cancel the tenders in an arbitrary fashion without assigning any reasons.

5.The learned Senior Counsel appearing on behalf of the petitioner in both the writ petitions submitted that there was no authority for the 3rd respondent, who is the tender inviting authority to cancel the tender after the stipulated date and time for opening of the technical bid. The learned Senior Counsel further submitted that such a decision was taken by the 3rd respondent for extraneous reasons and hence, requires the interference of this Court.

6.The learned Special Government Pleader appearing on behalf of the 1st and 2nd respondents and Mr.B.Vijay, learned Standing Counsel appearing on behalf of the 3rd respondent on written communication submitted that there was some confusion at the time of the technical evaluation which was leading towards a potential law and order problem and hence, the 3rd respondent had



to stop the tender process. The learned Special Government Pleader submitted that there was no extraneous reason for stopping the tender process. The written communication made by the 3rd respondent/Executive Officer, Edaikazhinadu Town Panchayat was also placed before this Court. The learned Special Government Pleader as well as the learned Standing Counsel appearing on behalf of the 3rd respondent submitted that the bids have already been received and hence, the 3rd respondent will proceed further with the technical evaluation after fixing the date and notifying the same to the bidders. It was further submitted that considering the situation prevailing, this Court may consider ordering for police protection at the time of conducting the technical evaluation and the price bid.

7. In the light of the submissions made by the learned Special Government Pleader and the learned Standing Counsel appearing on behalf of the 3rd respondent, it becomes clear that the 3rd respondent does not intend to cancel the tender notification and the 3rd respondent wants to proceed further with the process based on the bids that have already been received by the 3rd respondent. In view of the same, the 3rd respondent shall call the bidders for technical evaluation in the same venue on 21.04.2023 at 11 a.m.



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The Deputy Superintendent of Police, Madurantakam, Chengalpattu District shall make arrangements for providing police protection during the entire process and shall ensure that no unnecessary law and order problem is created. Action shall also be taken against the persons who attempt to create any law and order problem. The process shall be conducted in accordance with the notification and the bid shall be finalized. A copy of this order is also marked to the Deputy Superintendent of Police, Madurantakam, Chengalpattu District.

7.Both the writ petitions are disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

19.04.2023

Index : Yes/No

(2/2)

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

ssr

Note: Issue Order Copy Today (i.e., 19.04.2023)



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To

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7th and 8th Floor, Urban Administrative Building,
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RA Puram, Chennai – 600 028.
- 2.The Assistant Director,
Town Panchayat,
Kanchipuram Zone,
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Kadapakkam, Chengalpet District – 603 304.
- 4.The Deputy Superintendent of Police,
Madurantakam,
Chengalpattu District.



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N. ANAND VENKATESH, J.

SSR

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