



W.P.No.12689 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12689 of 2023

and

W.M.P.No.12477 of 2023

P.Elangovan

... Petitioner

Vs.

1. The Director General,
Archaeological (Monuments) Department,
Janpat,
New Delhi.
2. The Additional Director General (Administration),
Archaeological Survey of India,
Ministry of Culture,
Government of India,
Dharbar Bhawan,
24, Thilak Marg,
New Delhi – 01.
3. The Archaeological Superintendent,
Archaeological Survey of India,
Chennai Circle,
Fort St.George,
Chennai – 09.



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4. The Conservation Assistant,
Indian Archaeological Research Centre,
Vellore Kottai,
Vellore Sub Division,
Vellore District.

5. M/s.Vijay Traders,
No.6, Vaigai Street,
K.K.Pudur,
Coimbatore – 38, Coimbatore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to consider the representation of the petitioner dated 10.04.2023 by cancelling the arbitrary awarding to conduct Trade Fair in Vellore Fort by the fifth respondent herein from 5.04.2023 to 14.06.2023 to be cancelled and the petitioner be awarded to contract to conduct Trade Fair as he stands seniority in the submitting the petition to the respondents 1 to 4 to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.R.Rajesh Vivekananthan
DSGI for R1 to R4

ORDER

The prayer sought for herein is for a Writ of Mandamus to direct the respondents 1 to 4 to consider the representation of the petitioner dated 10.04.2023 by cancelling the arbitrary awarding to conduct Trade Fair in



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Vellore Fort to the fifth respondent herein from 5.04.2023 - 14.06.2023 to be cancelled and the petitioner be awarded to contract to conduct Trade Fair as he stands seniority in the submitting the petition to the respondents 1 to 4.

2. Since no adverse order is being passed against the fifth respondent, notice to fifth respondent is dispensed with.

3. It is the case of the petitioner that he is a businessmen interested in promoting Public Exhibition in the name and style of Vellore Entertainment Exhibition. Though the petitioner applied on 10.04.2023 for conducting the trade fair in Vellore District, Vellore Fort before the respondents 1 to 4, they awarded the said contract to the fifth respondent by rejecting the petitioner's application without assigning any reasons. Further the petitioner made another application dated 10.04.2023 before the respondents 1 to 4 seeking the similar relief as sought for in the earlier representation. Since no response is forthcoming, the petitioner has come up with the present writ petition seeking the relief stated supra.



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4. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents 1 to 4 to consider the petitioner's representation dated 10.04.2023 seeking to award the contract to conduct trade fair at Vellore Fort in favour of the petitioner by cancelling the tender awarded in favour of the fifth respondent.

5. Learned Deputy Solicitor General of India appearing for respondents 1 to 4 submits that as the tender to conduct the Trade Fair in Vellore Fort was awarded in favour of the fifth respondent, unless the said tender awarded in favour of the fifth respondent is challenged in the manner known to law, filing the present writ petition seeking a mere mandamus with the aforesaid relief is not sustainable.

6. Heard learned counsel appearing on either side and perused the materials placed before this Court.



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7. As rightly pointed out by learned Deputy Solicitor General of India, appearing on behalf of the respondents 1 to 4, that as the tender to conduct the Trade Fair at Vellore Fort was awarded in favour of the fifth respondent, unless the said tender awarded in favour of the fifth respondent is challenged in the manner known to law, filing the present writ petition seeking a mere direction to the respondents 1 to 4, to award the tender in favour of the petitioner to conduct the Trade Fair at Vellore Fort by cancelling the tender awarded in favour of the fifth respondent is not sustainable. Hence, the prayer sought for in this writ petition cannot be granted.

8. With the above observation and reasons, this writ petition is dismissed with liberty to the petitioner to challenge the tender which was awarded in favour of the fifth respondent. No costs. Consequently, connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
(rap)



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M.DHANDAPANI,J.

rap

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