



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 14.06.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**W.P No.17514 of 2023**  
**and WMP No.16653 of 2023**

NAL Aram Sei Foundation,  
Rep. by its Secretary  
Mr.S.Sudhakar  
S/o.K.Shanmugam  
No.3/33A, Bharathiyar Street,  
Mallasumuthiram, Namakkal District 637 503 ... Petitioner

**vs.**

1. The Secretary to Government,  
Municipal and Administrative Department,  
Fort St. George, Chennai 600 009
2. The Commissioner,  
Municipal Administration,  
11<sup>th</sup> Floor, Urban Administrative Building,  
No.75, Santhome High Road,  
M.R.C. Nagar, Raja Annamalaipuram,  
Chennai 600 028
3. The District Collector,  
Namakkal District, Namakkal,
4. The Assistant Director of Town Panchyats,  
Salem Zone,Salem.



5. The Executive Officer,  
Mallasumuthiram Special Grade Town Panchayat,  
Mallasamuthiram, Namakkal District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records from the 5<sup>th</sup> respondent and quash the impugned notice dated 31.05.2023 vide Na.Ka.No.173/2023/A1 of the 5<sup>th</sup> respondent published in Newspaper on 02.06.2023 calling for Re-tendering to be held on 15.06.2023 with regard to inviting fresh tender for contract towards maintaining the Gasifier Crematorium in Mallasamuthiram Town Panchayat, when the petitioner's appeal dated 10.05.2023 is pending before the 4<sup>th</sup> respondent (Appellate Authority) which is perse illegal, arbitrary, sham, nominal, biased, unjust and unsustainable in law and further direct the 4<sup>th</sup> respondent (Appellate Authority) to entertain the petitioner's Appeal dated 10.05.2023 against the rejection order dated 21.04.2023 vide proceedings under Na.Ka.No.173/2023/A1 of the 5<sup>th</sup> respondent and dispose of the same on merits and in accordance with law.

For Petitioner : Mr.S.L.Sudarsanam

For Respondents : Mr.S.Mythreye Chandru,  
Special Government Pleader  
for R1 to R4  
Mrs.C.Meera Arumugam  
Additional Government Pleader  
for R5

**ORDER**



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The subject matter of challenge in the present writ petition pertains to the impugned notification dated 31.05.2023 issued by the 5<sup>th</sup> respondent.

2. The case of the petitioner is that the 5<sup>th</sup> respondent issued a tender notification for maintaining the Gasifier Crematorium at Mallasamuthiram Village. Earlier, the petitioner was running / operating the said crematorium and the petitioner filed a writ petition before this Court in WP No.10672 of 2023 for a direction to the respondents to give extension of contract and to permit the petitioner to maintain the crematorium. This Writ petition came to be disposed by an order dated 10.04.2023 by directing the petitioner to participate in the tender process. Accordingly, the petitioner also submitted its application and participated in the tender process. According to the petitioner, they are the lowest bidders and the said tender must be awarded in favour of the petitioner.

3. The further case of the petitioner is that the 5<sup>th</sup> respondent rejected the tender application submitted by the



petitioner by proceedings dated 21.04.2023 and aggrieved by the same, the petitioner filed an appeal before the 4<sup>th</sup> respondent within 30 days and the said appeal was pending. In the meantime, the 5<sup>th</sup> respondent issued the impugned notification dated 31.05.2023 for re-tendering the Gasifier Crematorium. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.S.L.Sudarsanam, learned counsel for the petitioner and Mr.S.Mythreye Chandru, learned Special Government Pleader appearing for R1 to R4 and Mrs.C.Meera Arumugam, learned Additional Government Pleader for R5.

5. The learned Special Government Pleader appearing on behalf of respondents submitted that the 5<sup>th</sup> respondent had issued the impugned notification without being aware of the fact that the appeal filed by the petitioner is pending before the 4<sup>th</sup> respondent. Immediately, on coming to know of the same, the 5<sup>th</sup> respondent has decided to withdraw the impugned notification dated 31.05.2023 and that a final decision will be taken by the 5<sup>th</sup> respondent only after



the appeal is decided by the 4<sup>th</sup> respondent.

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6. In view of the specific stand taken by the respondents, the grievance expressed by the petitioner has been sufficiently redressed, since the re-tender notification dated 31.05.2023 is going to be withdrawn. There shall be a direction to the 4<sup>th</sup> respondent to deal with the appeal filed by the petitioner and take a decision within a period of one week from the date of receipt of a copy of this order. It is also brought to the notice of this Court that till date it is the petitioner who is maintaining the Crematorium.

7. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

**14.06.2023**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No  
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To



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**N. ANAND VENKATESH, J.**  
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