



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.Nos.27570 of 2021 & 3577 & 7252 of 2022
and W.M.P.Nos.29110 of 2021 & 3715, 3712, 3713 & 7277 of 2022

R.Parthiban S/o Ramalingam

.. Petitioner in all petitions

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Adi Dravidar Housing and
Development Corporation Ltd.,
No.31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai – 600 018.
- 3.The General Manager (Technical),
Tamil Nadu Adi Dravidar Housing and
Development Corporation Ltd.,
No.31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai – 600 018.
- 4.The Executive Engineer – Salem,
Tamil Nadu Adi Dravidar Housing and
Development Corporation Ltd.,
Salem Division, Erumapalayam Road,
Govindammal Nagar,
Seelanaickenpatti, Salem, Tamil Nadu – 636 201.



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5.The Assistant Executive Engineer – South,
Tamil Nadu Adi Dravidar Housing and
Development Corporation Ltd.,
No.31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai – 600 018.

6.K.Vivekanandan, I.A.S.,
The Managing Director,
Tamil Nadu Adi Dravidar Housing and
Development Corporation Ltd.,
No.31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai – 600 018.

7.Vijayarani, I.A.S., erstwhile Managing
Director,
Tamil Nadu Adi Dravidar Housing and
Development Corporation Ltd.,
No.31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai – 600 018.
& presently
The Collector of Chennai.

8.K.Azhagu Pandian,
The General Manager, (Technical),
Tamil Nadu Adi Dravidar Housing and
Development Corporation Ltd.,
No.31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai – 600 018.

9.P.Chella Pandian,
The Executive Engineer – Salem,
Tamil Nadu Adi Dravidar Housing and
Development Corporation Ltd.,
Salem Division, Erumapalayam Road,
Govindammal Nagar,
Seelanaickenpatti, Salem, Tamil Nadu – 636 201.



10.M.Nisha,

The Assistant Executive Engineer – South,
Tamil Nadu Adi Dravidar Housing and
Development Corporation Ltd.,
No.31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai – 600 018.

.. Respondents in all petitions

Prayer in W.P.No.27570 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order Lr.No.C/1958/2021/AEE dated 12.11.2021 passed by the 2nd respondent and quash the same and direct the 2nd respondent to issue the State Level Registration Certificate to the petitioner.

Prayer in W.P.No.3577 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records from the 4th respondent relating to the proceedings dated 28.05.2021 bearing reference Na.Ka.No.C/114/2015/Va.Pi blacklisting the petitioner and quash the same as illegal, arbitrary, malafide, without jurisdiction and consequently direct the respondents 1 to 5 permit the petitioner to take part in the Tenders of TAHDCO in the State of Tamil Nadu.

Prayer in W.P.No.7252 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass renewal orders, forthwith, on the petitioner's application dated 02.03.2022, submitted to the 4th respondent, seeking renewal of his Registration Certificate bearing No.31(2016-17) in Class I, received by the 5th respondent on 03.03.2022, and consequently direct the respondents to



proceed with the Tender process in connection with Tender No.3/2021-2022 dated 10.02.2022 issued by the 3rd respondent, only after receiving and considering the petitioner's Bid also, along with the Bids of other participants.

(In all the writ petitions)

For Petitioner .. Mr.N.L.Rajah
Senior Counsel
for Mr.V.Haribabu

For Respondents
For R1, R3 to R5 .. Mr.J.Ravindran
Additional Advocate General
assisted by Mr.U.Baranidharan
Additional Government Pleader

For R2 .. Mr.C.A.Ashok Kumar

COMMON ORDER

These writ petitions have been filed by the same writ petitioner R.Parthiban, resident of Villupuram Taluk, Villupuram. The respondents are the same. They are the State of Tamil Nadu, represented by the Principal Secretary to Government, Adi Dravidar and Tribal Welfare Department, Secretariat, Chennai, for whom the learned Additional Advocate General represents. The 2nd / 5th respondents are various officials of their official capacity of Tamil Nadu Adi Dravidar Housing and Development Corporation Limited (Mr.C.Ashok Kumar appears for the said



respondents).

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2. The petitioner for some reason, which according to him are sustainable, had also impleaded the said officials in their individual capacity, but since this Court has not entered into a detailed discussion on the merits placed by the petitioner herein, I would not pass any orders against the officials of their individual capacity, but rather examine the writ petitions relating to the grievances of the petitioner herein.

3. W.P.No.27570 of 2021, has been filed by the petitioner in the nature of Certiorarified Mandamus, seeking interference with the order Lr.No.C/1958/2021/AEE dated 12.11.2021 passed by the 2nd respondent/The Managing Director, Tamil Nadu Adi Dravidar Housing and Development Corporation Limited.

4. W.P.No.3577 of 2022, has been filed in the nature of Certiorarified Mandamus, seeking interference with an order dated 28.05.2021 whereby, the respondents had blacklisted the petitioner and which information according to the petitioner, he came to know only from the counter filed in their writ petition.



WEB COPY 5. W.P.No.7252 of 2022 has been again filed by the petitioner in the nature of Mandamus, seeking renewal of the Registration Certificate as Class-I contract.

6. Arguments advanced have not entered into a deep discussion on the merits of the case. Counter affidavits had been filed. The petitioner is deeply aggrieved by a Tender called for by the second respondent for construction of building for SC/ST people by the second respondent. The petitioner sought to participate in the same, but his application was not considered and kept in abeyance. That led to the filing of the first W.P.No.27570 of 2021. The reason for the same was disclosed in the counter affidavit by stating that the petitioner has been blacklisted.

7. It is the specific contention of the learned Senior Counsel for the petitioner that notice was not issued to the petitioner prior to the blacklisting of the petitioner. Consequent to that, the petitioner had filed three writ petitions seeking renewal of the certificate. These are all the issues which are lying within the prerogative of the respondents to take a decision, but



prior to taking a decision, procedures will have to be followed. The specific allegation is that the petitioner had not been served with notice prior to being blacklisted or even the order of blacklisting had not been served on the petitioner herein. This contention is very seriously denied, disputed and contested by the learned Additional Advocate General on behalf of the first respondents by claiming that the petitioner had been served and due process was followed. However, records are not available.

8. It is stated that the respondents had sent communication by Registered Post and they had addressed the postal authorities to provide proof for service. As on date, the entire situation is nebulous. The Tender was issued about nearly a year back and naturally by the flow of time, the estimate would have escalated. The designs would have also changed. A fresh Tender would necessarily have to be called for. Even if the earlier Tender is to be retained, then a corrigendum would have to be issued. The issue of the petitioner is participation, which was held up when the Tender was taken forward by the respondents herein. The purpose of the Tender is laudable. It is to put up a construction/building for SC/ST students. That project has been held up by the pendency of these writ petitions.



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9. The following directions are therefore issued and I make it clear that I have not entered into any discussion whether the petitioner could be blacklisted or could not be blacklisted and whether prior to that, proper procedure was followed or not followed and whether notice was issued or not issued. I would reset the clock back and urge the respondents to move forward.

11. The following directions are therefore issued.

(i) The respondents, if they are able to produce the acknowledgement or rather even the service of notice prior to blacklisting, forward a copy of the same to the petitioner and inform him that proper procedure had been followed and that he had been blacklisted.

(ii) If the respondents are not able to get particular documents relevant to the service of notice, then they may re-visit their entire decision for blacklisting. Let the earlier order not play in the minds of the respondents and a fresh notice be issued to the petitioner and invite him for a discussion and point out the reasons as to why they have to take action



against him and get his opinion and thereafter take a considered decision.

WEB COPY (iii) The respondents may take a decision to either issue a corrigendum to the earlier Tender or issue a fresh Tender.

(iv) If such Tender is called afresh, then depending on whether notice had been served on the petitioner for blacklisting or notice had not been served depending on the outcome of the fresh proceedings as against the petitioner, the petitioner's applications can be examined by the respondents herein. The respondents thereafter, shall move forward with the object of construction of the building.

12. Let not the officials who earlier examined the credentials of the petitioner be again asked to examine, but let the first respondent depute or delegate other officials to examine the credentials of the petitioner herein with respect to whether he should be blacklisted or not blacklisted.

12. These are all issues on which the respondents will have to take a decision and I hope that they would adhere to the principles of natural justice and take a considered decision. The respondents are given ten (10) days to examine as to whether the notice have been served on the petitioner,



and if the notice had been served, the matter ends there and the petitioner is at liberty to question the issuance of blacklisting, but if the notice had not been served, then a fresh notice has to be issued and the said process should be completed within a period of twelve weeks from the date of issuance of fresh notice to the petitioner herein. Thereafter, the respondents may take a decision to either issue a Corrigendum to the existing Tender or issue a fresh Tender and depending upon the result of the enquiry relating to the petitioner permit him to participate or not to participate in the Tender process.

15. I am not passing any order as against the respondents who have been named in their personal capacity and I am not entering into any discussion on the allegations raised before this writ Court.

16. These writ petitions stand dismissed as against the individuals, who have been named and disposed of as against the other respondents. No costs. Consequently, connected miscellaneous petitions are closed.

27.02.2023

Index: Yes/No
Speaking or Non-Speaking



Neutral citations Yes/No
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Secretariat, Chennai – 600 009.
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C.V.KARTHIKEYAN,J.

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