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W.P.No.28946 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.10.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.28946 of 2023
& WMP.Nos.28535, 28536 & 28537 of 2023

N.Gunasekaran

... Petitioner

Vs

1. State of Tamil Nadu rep. by its
Secretary to Government,
Highways & Minor Ports Department,
Secretariat, Chennai – 600 009.
2. The Superintending Engineer,
Highways (C&M),
Chennai Circle, No.299, Anna Salai,
Teynampet,
Chennai – 600 006.

... Respondents

PRAYER: 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 tender notice in Tender Notice No.37/2023-2024/HDO/DATED:12.09.2023 issued by the 2nd respondent quash the same and direct the respondents to consider the representation of the petitioner dated 28.11.2019 and reminder dated 21.09.2023 in the light of the order passed in W.A.No.3597 of 2019 batch dated 04.11.2019.

For Petitioner : Mr.S.Doraisamy



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For Respondents : Mr.P.Ananda Kumar
Government Advocate

ORDER

The petitioner seeks a Writ of Certiorarified Mandamus challenging tender notice bearing No.37/2023-2024/HDO dated 12.09.2023 issued by the second respondent, the Superintending Engineer, Highways (C& M). The mandamus relates to a direction to the respondents to consider the representation filed by the petitioner on 28.11.2019 and a subsequent reminder dated 21.09.2023, in light of the order passed by a Division Bench of this Court in W.A.No.3597 of 2019 batch dated 04.11.2019.

2. Admittedly, the petitioner has not participated in the tender and accedes to the position that there are certain disqualifications that limit him from such participation. It is in regard to those disentitlements that a representation has been filed.

3. Since the last date for tender is 19.10.2023, Mr.Doraisamy, learned counsel on record for the petitioner, would concede that the challenge to the tender notice is not pursued. Instead the petitioner would reiterate the request for mandamus alone as set out above.



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4. Mr.Ananda Kumar, learned Government Advocate appearing for the respondents would have no objection to a mandamus being issued to R1 to consider the representation of the petitioner, though in accordance with law.

5. Hence, mandamus is issued to R1 to hear the petitioner and dispose representation dated 28.11.2019 bearing in mind the order passed in W.A.No.3597 of 2019 batch dated 04.11.2019 and in accordance with law, within a period of six (6) weeks from date of receipt of a copy of this order.

6. This Writ Petition stands disposed as above. No costs. Connected Miscellaneous Petitions are closed.

18.10.2023

Index : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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Note: Registry is directed to issue a copy of this order on or before 25.10.2023.

To

1. The Secretary to Government,
State of Tamil Nadu
Highways & Minor Ports Department,
Secretariat, Chennai – 600 009.
2. The Superintending Engineer,
Highways (C&M),
Chennai Circle, No.299, Anna Salai,
Teynampet, Chennai – 600 006.



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Dr.ANITA SUMANTH, J.
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