



WEB COPY



W.P.No.29534 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29534 of 2023

and

W.M.P.Nos. 29161 & 29165 of 2023

S.Seeni Mohammed

.. Petitioner

VS

1.The Principal Secretary to Government  
Tourism, Culture, Religious Endowments,  
and Chairman, Tamil Nadu Tourism, Development  
Corporation, Fort St.George,  
Secretariat, Chennai – 09.

2.The Managing Director,  
Tamil Nadu Tourism Development Corporation,  
No.2, Wallajah Salai, Chennai – 02.

3.The General Manager,  
Tamil Nadu Tourism Development Corporation,  
No.2, Wallajah Salai, Chennai – 02.

4.Chennai Fireworks Merchants Welfare Association  
Rep. by its President,  
Mr.Z.Mohammed Javeed Akthar,  
No.9/27, Raja Street, Raja Annamalaipuar  
Chennai – 600 028.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2<sup>nd</sup> respondent to recall the E-tender notification bearing No.72/FS/2023-1 dated 20.09.2023 for conduct of Diwali Crackers Fair 2023 at Island Grounds by withdrawing the Letter of Award given to the 4<sup>th</sup> respondent who is ineligible to participate in the E-Tender vide Tender Notification bearing No.72/FS/2023-1 dated 20.09.2023 and



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consequently direct the respondent 1 – 3 to follow the provisions laid down in the Tamilnadu Transparency in Tenders Act, 1998 and Tamilnadu Transparency in Tender Rules, 2000 and previous orders of this Court.

For Petitioner : Mr.M.Vijay Anand  
For Respondents : Mr.Mr.P.Anandakumar,  
Government Advocate for R1  
Mr.R.Neelakandan, AAG  
assisted by  
Ms.G.Daisy John  
for R2, R3  
R4 – Not ready notice

ORDER

The petitioner claims to be a dealer in fireworks carrying on business in Malayaperumal Street for many years, holding requisite licence for the same. He seeks a writ of mandamus directing the Tamil Nadu Tourism Development Corporation/ R2 to re-call e-tender notification bearing No. 72/FS 2023-1 dated 20.09.2023 for conduct of Diwali Crackers Fair 2023.

2. He also seeks withdrawal of letter of award given by the Chennai Fireworks Producers Welfare Association, arrayed as R4. As regards the latter prayer, he states that, that entity is not eligible as it does not have the requisite qualifications and is also de-barred on various other grounds.

3. Mr.Vijay Anand, appears for the petitioner would point out that no notice has been issued in light of the Rule 20 of the



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Tamil Nadu Transparency in Tenders Rules, 2020 (Rules). Rule 20 provides that for tenders upto Rs.2 crores value, time stipulated for notice is 15 days and for tenders in excess of Rs.2 crores, time for notice is 30 days.

4. Learned AAG, appearing for Mrs.G.Daisy John, for respondents nos. 2 and 3 would draw my attention to Rule 20(2) that permits the authorities to reduce the time stipulated as aforesaid for reasons to be recorded in writing. Original files are produced to show that the tender floated initially in August, 2023 was cancelled as there was only two bidders and both of them were ineligible.

5. The authorities thus floated a fresh e-tender with short notice. This was for the reason that Diwali festival is imminent. In light of the above, particularly the compliance with Rule 20(2), there is no merit in the first submission raised by the petitioner.

6. Incidentally, there was no challenge impugned to the e-tender notification itself and only a mandamus is sought. Seeing as there is no other violation in issuance of tender, per se, mandamus as sought for is not liable to be granted and the request is rejected.

7. With respect to the second limb of the prayer relating to the alleged ineligibility of R4, several facts are placed before this



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Court, which, I am not inclined to look into in writ jurisdiction.

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7. The petitioner has made a representation before the authority on 06.10.2023 and is permitted to appear before R2 on Friday i.e., 20.10.2023 at 10.30 a.m., to adjudicate his case. Let a view be taken by R2 on or before 25.10.2023 in accordance with law and in accordance with the prevailing Rules and Regulations.

8. Writ petition stands disposed in the above terms. No costs. Connected miscellaneous petitions are closed.

19.10.2023

Index:Yes/No  
Neutral Citation:Yes  
ssm

To

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Fort St.George, Secretariat, Chennai – 09.
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- 4.The President,  
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DR. ANITA SUMANTH,J.

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