



WEB COPY



W.P.No.34042 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.34042 of 2023

and

W.M.P.No.33917 of 2023

Mr.V.Ramesh

... Petitioner

Vs.

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Commissioner of Prohibition of Excise,
Ezhiligam, Chepauk,
Chennai – 600 005.
- 3.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
4th Floor, Thalamuthu Nadarasan Maligai,
Egmore, Chennai – 600 008.
- 4.The District Manager, TASMAL Limited,
Kancheepuram North District,
No.14-18, Sidco Industrial Estate,
Sevilimedu Village – 631 502.

... Respondents



W.P.No.34042 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the Tender Notification of the 4th respondent in Tender Ref.No.787/A3/2023 dated 07.10.2023 calling for tenders for the grant of the right to collect empty bottles and sell eatables in the bars attached to the TASMAL, the Kancheepuram (North) District for a period from 01.11.2023 to 31.10.2025 and quash the same.

For Petitioner : Mr.B.Nedunchezhiyan
For Respondents : Mr.S.Ravikumar
Special Government Pleader [for R1 & R2]
: Mr.K.Balakrishnan
Standing Counsel [for R3 & R4]

ORDER

This writ petition has been filed challenging the impugned tender notification dated 07.10.2023, issued by the 4th respondent.

2. Mr.B.Nedunchezhiyan, learned counsel for the petitioner would submit that the Hon'ble Division Bench of this Court, in similar circumstances has passed an order on 29.11.2023 in W.P.No.30741 of 2023 etc., (batch cases) dismissing the aforesaid batch of writ petitions. The relevant portions are extracted hereunder:



WEB COPY



W.P.No.34042 of 20

“16. It can be seen that it is only the last date of bid, submission has been accepted that too far a valid reason on account of Court orders. Therefore, the same does not in any manner violate the Rules. Similarly, it does not add or modify the conditions. While seeing the corrigendum No.1, it was simply mentioned as sale of eatables which was sought to be corrected by giving full name of the tender process, the sale of eatables and collection of bottles. The same does not amount to any addition or introduction of new criteria in the tender conditions. It is trite that tenders are made on commercial considerations and the understanding of the Tender Floating Authority in respect of the tender conditions would be accepted and implemented unless the same is illegal or violative of law. Mere hardship in locating the premises or their chances of convincing the landlord to execute



W.P.No.34042 of 2023

Rental Agreement in their favour by itself cannot invalidate the tender process. In any event, the third respondent Corporation has to go by the directives of the First Bench of this Court in W.A.Nos.374 of 2023 etc., (batch cases), dated 05.09.2023. It can be seen that after the present process, if they notice any practical difficulties, they are already to modify scheme. The scheme in the present form is held to be valid.

17. Therefore, these Writ Petitions are without any merits and are accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed."

3. By following aforesaid decision of the Hon'ble Division Bench of this Court, this Court is also inclined to dismiss the present writ petition at the admission stage itself.



W.P.No.34042 of 2

Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is also closed.

WEB COPY

11.12.2023

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Internet:Yes

Index : Yes / No

Speaking order/Non-Speaking order

Neutral Citation : Yes / No



WEB COPY



W.P.No.34042 of 2023

KRISHNAN RAMASAMY, J.

veda

To

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(2/2)