



W.P(MD)No.1398 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1398 of 2023

and

W.M.P(MD).Nos.1292 and 1293 of 2023

R.Kalimuthu

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Director of Town Panchayat,
Collectorate Campus,
Dindigul District, Dindigul.

3.The Executive Officer,
Palayam Town Panchayat,
Palayam, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned tender notification issued by the third respondent under Na.Ka.No. 1/2023/Aa2 dated 09.01.2023 and to quash the same as illegal and consequently direct the third respondent to issue fresh tender notification in a fair and proper tender process by complying the Rules and Regulations contemplated in Tamil Nadu Transparency in Tenders Act, 1998.



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For Petitioner : Mr.P.Manikandan

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R1 & R2

Mr.S.Shanmugavel
Additional Government Pleader for R3

ORDER

Heard the learned counsel on either side.

2. The petitioner questions the impugned tender notification. The primary ground, on which, the present petition laid, is that the prescribed period was not adhered to. He points out that the tender notification is dated 09.01.2023. It is said to have been published on 13.01.2023. The petitioner claims that he came to know about the tender notification only on 20.01.2023. The tender process was concluded on 23.01.2023 itself. He points out that as per Rule 20 of the Tamil Nadu Transparency in Tenders Rules, where the tender value is above Rs. 20 lakhs, 15 days notice must be given and he should also publish in the District Gazette. It is true that all the contentions advanced by the learned counsel for the petitioner are legally sound and correct, but the fact remains that the tender process got concluded yesterday (i.e., 23.01.2023) itself and one Santhi, wife of Rajendran, was already declared as successful bidder and work



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order has also been issued in her favour. Since I found the contention of the petitioner's counsel to be having some force, I wanted to know whether the petitioner will be ready to come with a demand draft for a sum of Rs.24 lakhs, which is slightly above what was offered by the successful bidder by tomorrow (i.e., 25.01.2023) itself. The petitioner's counsel after getting instructions states that the petitioner can mobilise a sum of Rs.5 Lakhs immediately and that he may require reasonable time. If the petitioner had accepted the suggestion given by the Court, I would have called upon the petitioner to have a competitive bidding with the successful bidder in the Court itself. Since the petitioner is not ready to match the offer of the successful bidder and since Mrs.Santhi had already remitted the bid amount to the local body, I am not in a position to interfere. The primary reason for non-interference is that when the matter was listed for admission before this Court, the learned Special Government Pleader submitted that the tender was already concluded. It is for this reason, I am not in a position to grant relief. The Writ Petition is dismissed accordingly. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

24.01.2023

NCC : Yes / No
Index : Yes / No
Rmk



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WEB COPY

To

- 1.The District Collector,
Tirunelveli, Tirunelveli District.
- 2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.
- 3.The Thasildhar,
Radhapuram Taluk,
Tirunelveli District.



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G.R.SWAMINATHAN, J.,

Rmk

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24.01.2023