



W.P(MD)No.1886 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

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THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.1886 of 2023

and

W.M.P(MD)Nos.1651 to 1653 of 2023

B.S.R.Engineering,
Represented by its Managing Partner,
P.Babu.

... Petitioner

Vs.

1.The Superintending Engineer (H),
NABARD and Rural Roads,
Thiruchirappalli District.

2.The Divisional Engineer (H),
Office of the Divisional Engineer,
Quality Control Division,
Thiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the tender notifications issued by the first respondent Tender Notice No.31/2022-23/SDO, dated 22.12.2022 and quash the same as illegal, consequently directing the second respondent to consider the application given by the petitioner on 27.01.2023 and direct the second respondent to issue clearance certificate to the petitioner. Since the petitioner is also been also successful bidder in Nagapattinam tender on various date in the year 2022 and pass such further or other orders as this Court.



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For Petitioner : Mr.U.Kathiravan

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned Counsel for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2. The first respondent issued the tender notification dated 22.12.2022 in respect of certain road works. The petitioner wanted to take part in the said tender process. The petitioner must however produce fitness certificate issued by the Quality Control Division. The case of the petitioner is that even though he has been approaching the second respondent for the last few weeks, he has not been issued with the fitness certificate. That lead to the filing of the present writ petition.

3. The learned Counsel for the petitioner mentioned yesterday, I granted him lunch motion. The petitioner was permitted to submit his tender application even without enclosing the said fitness certificate. The matter was ordered to be listed today.



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4. When the matter was taken up for hearing, the learned Special Government Pleader submitted that the fitness certificate in favour of the petitioner has already been despatched. Copy of the same was also handed over to the petitioner's Counsel. The tenders are to be opened today at 02.00 pm. The learned Special Government Pleader informs the Court that the last date for submission of the tender has been postponed from 30.01.2023 to 31.01.2023 (02.00 pm). The petitioner shall forthwith upload all the relevant document. The only grievance of the petitioner is that he must be furnished the fitness certificate. It has since been furnished. Hence, nothing survives for further adjudication in the present writ petition. This writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Btr

To

1.The Superintending Engineer (H),
NABARD and Rural Roads,
Thiruchirappalli District.



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G.R.SWAMINATHAN, J.

Btr

2.The Divisional Engineer (H),
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