



W.P(MD)Nos.1900 & 1901 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)Nos.1900 & 1901 of 2023

and

W.M.P(MD) Nos.1668, 1670 to 1674, 5353 & 5355 of 2023

M.Murugesan ... Petitioner in W.P(MD)No.1900 of 2023

R.Rethinam ... Petitioner in W.P(MD)No.1901 of 2023

Vs.

1. The Government of Tamil Nadu

Rep. by its Additional Chief Secretary,
Highways and Minor Ports Department,
Fort St. George,
Secretariat,
Chennai-600 009.

2.The Chief Engineer (Highways),

NABARD and Rural Roads Department,
Chennai-600 005.



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3.The Superintending Engineer(Highways),
Nabard and Rural Roads Circle,
Trichy-620 020.

4.Vijayalakshmi
Superintending Engineer (Highways),
Nabard and Rural Roads,
Trichy Circle-4

5.The Divisional Engineer (Highways),
Quality Control Division,
Trichy.

6.The Assistant Divisional Engineer (Highways),
Quality Control Sub Division,
Pudukkottai.

... Respondents in both petitions

COMMON PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the purported tender notice dated 13/12/2022 in Ref.no.23/2022-23/SDO on the file of the third respondent



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and to quash the same and in the alternative directing the respondents to accept the Certificate in Annexure-1 to tender document dated 24.01.2023 issued by the fifth respondent and proceed with the tender, respectively.

In both writ petitions

For Petitioner : Mr.G.Prabhu Rajadurai
in W.P(MD)No.1900 of 2023

For Petitioner : Mr.G.Prabhu Rajadurai
in W.P(MD)No.1901 of 2023 for Mr.M.Rajarajan

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by
: Mr.N.Muthu Vijayan
Special Government Pleader

COMMON ORDER

Both the writ petitions have been filed by two separate individuals but since the argument overlapped, and the point raised by both the writ petitioners were the same, a common order is passed in both the writ petitions.



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2. Both the writ petitions are filed in the nature of Certiorarified Mandamus relating to a tender notice, dated 13.12.2022 in Ref.No.23/2022-2023/SDO on the file of the third respondent who is common in both the writ petition namely, the Superintending Engineer (Highways), NABARD and Rural Roads Circle, Trichirappalli. The petitioners also seek that the certificate which they now have in their possession both dated 24.01.2023 should also be accepted and annexed along with the documents already filed by them, by their participating in the aforementioned tender. Both the certificates are dated 24.01.2023.

3. A batch of matters with similar relief had come up before me for consideration in *W.P.(MD)Nos.3682 of 2023 batch, Senthil Kumar Vs. The Superintending Engineer (H), NABARD and Rural Roads Circle, Trichy* and by an order dated 16.03.2023, taking into consideration the submission made by the learned Additional Advocate General, even in those cases, wherein, the relief was to append the certificate which was produced by them together with documents which had already been submitted, this Court had held as follows :

"15.Be that as it may, let me not enter into a



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deep discussion on these aspects. The fact is that the petitioner has been now given that particular certificate. This would indicate that the plants and machineries have been evaluated, verified, inspected and certified by the competent authority, ie., the Divisional Engineer (Quality Control), Highways, Trichy. This certificate may now be considered by the respondent.

16. When the writ petition came for hearing on 01.03.2023, the learned Additional Advocate General, who appeared on behalf of the respondent, on instructions informed to the Court that the tender process would not be finalised till the disposal of the writ petition. This was recorded by my Predecessor on 01.03.2023.

17. Today, the learned Additional Advocate General, on instructions, stated that the papers submitted by the petitioner would also be considered, along with that of other participants. Let that process be done. After proper evaluation, let finalisation of the tender be done.

18. This Court places its deep appreciation for



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the fact that the learned Additional Advocate General had examined the issue in its correct perspective."

4. The writ petitioners naturally will also have to get the same benefit of the order in order to maintain consistency and a specific direction is given that the certificate, dated 24.01.2023, produced by the writ petitioner in W.P(MD) No.1900 of 2023 M.Murugesan and the certificate, dated 24.01.2023, produced by the writ petitioner in W.P. (MD) No.1901 of 2023 R.Rethinam, may be accepted by the third respondent herein and the two certificates may be appended to the tender document already submitted by the two writ petitioners and the two certificates may also be considered along with the other tender documents as normally considered by the respondents of others who had also submitted their bid documents.

5. W.M.P.(MD) No.5353 & 5355 of 2023 had been filed by the respondents herein seeking to vacate the order of interim order. The order of interim order was that the tender process should not be finalized



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till the disposal of the writ petitions. Now all the writ petitions have been disposed of and therefore, after putting all those who had submitted the documents on notice about the date and time on which the respondents proposes to open the documents after putting them on notice, the respondents may proceed in the manner known to law and in accordance with law to open the tenders, to proceed further and finalizing the tender. Therefore, interim order stands vacated. W.M.P.(MD) Nos.5353 and 5355 of 2023 are allowed.

6. No further orders are required in these writ petitions. Accordingly, the Writ petitions stand disposed of. No costs. Consequently, connected W.M.P(MD) Nos.1668, 1670 to 1674 of 2023 are closed.

31.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
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Note : Issue Order copy on 05.04.2023



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C.V.KARTHIKEYAN, J.

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