



W.P(MD)No.2087 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)Nos.2087, 2088 of 2023 &
2479 to 2481 of 2023**

and

**W.M.P(MD)Nos.1861 to 1864 of 2023,
1866 & 1867 of 2023, 2251 to 2253 of 2023,
2261 to 2263 of 2023 & 2256 to 2258 of 2023**

W.P(MD)No.2087 of 2023:

S.Gowtham & Co,
Represented by its Managing Director,
S.Gowtham,
613, Bazzar Street,
Mudukulathur,
Ramanathapuram District.

... Petitioner

Vs

1.The Superintending Engineer,
Highways Department NABARD
& Rural Roads,
Tirunelveli Division,
Tirunelveli.

2.The Divisional Engineer,
Highways Department NABARD
& Rural Roads,
Paramakudi Division,
Paramakudi,
Ramanathapuram.



W.P(MD)No.2087 of 2023

3.The Divisional Engineer (Highways),
Quality Control Division,
Madurai.

... 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 records pertaining to the impugned orders of the first respondent dated 29.01.2023 rejecting the pre-qualification of the bid of the petitioner and quash the same and consequently directing the respondents to allow the petitioner to participate in the next stage of price bid process in the work of Upgradation of Three Panchayat Union / Panchayat Roads in Paramakudi(H), NABARD and Rural Roads Sub Division (TNV-16).

For Petitioner : Mr.N.Vinitha

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

W.P(MD)No.2088 of 2023:

S.Gowtham & Co,
Represented by its Managing Director,
S.Gowtham,
613, Bazzar Street,
Mudukulathur,
Ramanathapuram District.

... Petitioner

Vs

1.The Superintending Engineer,
Highways Department NABARD
& Rural Roads,
Tirunelveli Division,
Tirunelveli.



W.P(MD)No.2087 of 2023

2.The Divisional Engineer,
Highways Department NABARD
& Rural Roads,
Paramakudi Division,
Paramakudi,
Ramanathapuram.

3.The Divisional Engineer (Highways),
Quality Control Division,
Madurai.

... 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 records pertaining to the impugned orders of the first respondent dated 29.01.2023 rejecting the pre-qualification of the bid of the petitioner and quash the same and consequently directing the respondents to allow the petitioner to participate in the next stage of price bid process in the work of Upgradation of Three Panchayat Union / Panchayat Roads in Paramakudi(H), NABARD and Rural Roads Sub Division (TNV-16).

For Petitioner : Mr.N.Vinitha

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

W.P(MD)No.2079 of 2023:

A.Gnanaprakasam

... Petitioner

Vs



W.P(MD)No.2087 of 2023

1.The Superintending Engineer,
Highways Department NABARD
& Rural Roads,
Tirunelveli Division,
Tirunelveli.

2.The Divisional Engineer,
Highways Department NABARD
& Rural Roads,
Paramakudi Division,
Paramakudi,
Ramanathapuram.

3.The Divisional Engineer (Highways),
Quality Control Division,
Madurai.

... 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 records pertaining to the impugned order of the first respondent dated 28.01.2023 rejecting the pre-qualification of the bid of the petitioner and quash the same and consequently directing the respondents to allow the petitioner to participate in the next stage of price bid process in the work of Upgradation of Three Panchayat Union / Panchayat Roads in Paramakudi(H), NABARD and Rural Roads Sub Division (TNV-17).

For Petitioner : Mr.M.Mahaboob Fazil
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



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W.P(MD)No.2080 of 2023:

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A.Gnanaprakasam

... Petitioner

Vs

1.The Superintending Engineer,
Highways Department NABARD
& Rural Roads,
Tirunelveli Division,
Tirunelveli.

2.The Divisional Engineer,
Highways Department NABARD
& Rural Roads,
Paramakudi Division,
Paramakudi,
Ramanathapuram.

3.The Divisional Engineer (Highways),
Quality Control Division,
Madurai.

... 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 records pertaining to the impugned order of the first respondent dated 28.01.2023 rejecting the pre-qualification of the bid of the petitioner and quash the same and consequently directing the respondents to allow the petitioner to participate in the next stage of price bid process in the work of Upgradation of Anandhur Road Suthamalli Road in Paramakudi(H), NABARD and Rural Roads Division within the time stipulated by this Court.



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For Petitioner : Mr.M.Mahaboob Fazil
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

W.P(MD)No.2081 of 2023:

A.Gnanaprakasam

... Petitioner

Vs

1.The Superintending Engineer,
Highways Department NABARD
& Rural Roads,
Tirunelveli Division,
Tirunelveli.

2.The Divisional Engineer,
Highways Department NABARD
& Rural Roads,
Paramakudi Division,
Paramakudi,
Ramanathapuram.

3.The Divisional Engineer (Highways),
Quality Control Division,
Madurai.

... 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 records pertaining to the impugned order of the first respondent dated 28.01.2023 rejecting the pre-qualification of the bid of the petitioner and quash the same and consequently directing the respondents to allow the petitioner to participate



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in the next stage of price bid process in the work of Upgradation of Two Panchayat Union / Panchayat Roads as other District Roads in Paramakudi(H), NABARD and Rural Roads Sub Division (TNV-12) within the time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2.The writ petitioners are participants in the impugned tender notification process. Annexure-I of the tender notification reads that working condition certificate should be obtained from the Divisional Engineer (Highways), Quality Control Division on or after 12.12.2022. In the case on hand, the certificates submitted by the petitioners were obtained prior to the said date. For this reason, the petitioners were disqualified. The decision taken by the respondents cannot be said to be arbitrary or incorrect. On the other hand it is in consonance with the tender notification.

3.The learned counsel appearing for the petitioners would also point out that considering the tender value, proper publication should have been made.



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But the petitioners, who have taken part in the tender process, cannot be heard to raise this contention. These writ petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The Superintending Engineer,
Highways Department NABARD
& Rural Roads,
Tirunelveli Division,
Tirunelveli.
- 2.The Divisional Engineer,
Highways Department NABARD
& Rural Roads,
Paramakudi Division,
Paramakudi,
Ramanathapuram.
- 3.The Divisional Engineer (Highways),
Quality Control Division,
Madurai.



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W.P(MD)No.2087 of 2023

G.R.SWAMINATHAN, J.

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and
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