



W.P.(MD)No.10012 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.10012 of 2021

and

W.M.P.(MD).Nos.7717, 7718 & 8262 of 2021

A.Pandian

... Petitioner

Vs.

1.The Secretary,
Public Work Department,
Secretariat,
Chennai-600 009.

2.The Engineer in Chief,
WRD and Chief Engineer (General),
Public Work Department,
Chepauk, Chennai- 600 005.

3.The Superintending Engineer,
Water Resource Department,
Middle Cauvery Basin Circle,
Tiruchi - 620 020.

4.The Chief Engineer,
Water Resource Department,
Middle Cauvery Basin Circle,
Tiruchi - 620 020.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, directing the 3rd Respondent to call for the records of the entire impugned Tender proceedings of Tender Invitation No.1/2021-2021/va1/Naka. vava/Trichi/dated 18.05.2021 in respect of the Works items 2 to 5 and quash the same as illegal and void and consequently directing the 3rd respondent to conduct the fresh tender in respect of works items 2 to 5 and accept the petitioner's valid tender in respect of the works items 2 to 5 already submitted on 27.05.2021 at 01.32 p.m. (or) proceed with fresh tender proceedings.

For Petitioner : Mr.K.Muraleedharan

For Respondents : Mr.R.Ragavendran,
Government Advocate

ORDER

This Writ Petition was filed challenging the entire impugned Tender proceedings of Tender Invitation No.1/2021-2021/va1/Naka. vava/Trichi dated 18.05.2021 issued by the third respondent in respect of the Works items 2 to 5 and consequently directing the 3rd respondent to conduct the fresh tender in respect of works items 2 to 5 and accept the petitioner's valid tender in respect of the works items 2 to 5 already submitted on 27.05.2021 at 01.32 p.m. (or) proceed with fresh tender proceedings.



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2. When the matter was taken up for hearing, the learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court Paragraph No.10 in the counter affidavit filed by the third respondent and the same is extracted hereunder:

“10. I hereby submit that the allegations made in Para 7 of the affidavit are all denied as false, frivolous and vexatious. It is the duty of the petitioner to make his tender to be present before on 27.05.2021 till 3.00 P.M. as it is all de-silting the channel for the water flow from Mettur Dam and the said public works been already utmost completed by the work order, which was already effected on 28.05.2021 itself, but suppressing the same this petitioner filed this petition on 07.06.2021 that too after 10 days of the said process and played before this Hon’ble Court by mis- representation to harass this respondent of the short term de-silting the channels and utmost completed, otherwise the flow of water River Cauvery from Mettur Dam which was opened already cause great hurdle to the agriculture of the South Tamil Nadu.”



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3. The learned Government Advocate appearing on behalf of the respondents submitted that the work was completed and the payment was also made to the contract.

4. In view of the above, nothing survives in this Writ Petition and accordingly, the same is closed. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

tsg

To

1.The Secretary,
Public Work Department,
Secretariat,
Chennai-600 009.

2.The Engineer in Chief,
WRD and Chief Engineer (General),
Public Work Department,
Chepauk,
Chennai- 600 005.

3.The Superintending Engineer,
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4. The Chief Engineer,
Water Resource Department,
Middle Cauvery Basin Circle,
Tiruchi - 620 020.



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N.ANAND VENKATESH, J.

tsg

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