



W.A(MD)No.1025 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A(MD)No.1025 of 2023

S.Shanmuganathan

... Appellant

-VS-

1. The District Collector,
Ramanathapuram District.

2. Special Officer/
Deputy Director of Agriculture,
Department of Agricultural Marketing and
Agri Business,
Ramanathapuram District.

3. The Secretary,
Ramanathapuram Market Committee,
Ramanathapuram District.

4. The Superintendent,
Regulated Market Committee, Ramanathapuram,
Ramanathapuram District.

5. R. Suseela

6. R. Anand

... Respondents

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PRAYER : Appeal filed under Clause 15 of the Letters Patent, against the order dated 20.12.2022 made in W.P(MD)No.23459 of 2022.

For Appellant : Mr.K.Vinoharan
For R1, R2 & R4 : Mr.M.Lingadurai
Special Government Pleader
For R3 : Mr.A.Kannan
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This appeal is directed against the order of the learned Single Judge in W.P(MD)No.23459 of 2022, dated 20.12.2022.

2. The appellant participated in the tender floated by the 2nd respondent inviting tender applications from eligible persons interested in taking shops in a commercial complex on rent. The grievance of the appellant is that his tender application was rejected on the ground that he does not satisfy the eligibility criteria. It is stated in tender schedule that the tenderer should have enclosed the experience certificate to the effect that he has experience in



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conducting sale for not less than one year during the last three years as well as he should have produced a no due certificate to show that he has filed returns and paid GST upto March 2022. Aggrieved by the said terms of the tender schedule, on which, the tender submitted by the appellant was rejected, the appellant filed a writ petition for issuance of a Writ of Certiorari, to quash the impugned order regarding the non selection of the appellant dated 30.09.2022 and to direct the respondent to consider the appellant's bid being the highest bid in respect of shops 1, 3, 5 and 6.

3. The learned Single Judge of this Court relied upon his own earlier judgment in W.P(MD)Nos.20283 and 20290 dated 31.10.2022, wherein, he has held that the person who participated in the tender has no right to challenge the conditions of the tender afterwards, as such kind of practice is not approved and deprecated in many number of orders passed by this Court.



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4. This Court has no different view than what was expressed by the learned Single Judge regarding the tender conditions.

5. The learned counsel for the appellant, however, submitted that several conditions are put so as to disable the eligible farmers to run the shops. He also submitted that several doctors and professionals are given shops in the name of their family members and that the object behind the allotment of shops in the commercial complex is compromised due to extraneous reasons.

6. This Court is not hearing a public interest litigation. The appellant who participated in the tender came forward with the writ petition challenging the terms of the tender and the conditions enumerated in the tender schedule. As rightly held by the learned Single Judge, the person who participated in the tender has no right to challenge the conditions of the tender afterwards and such kind of practice is deprecated by the Courts in umpteen number of judgments. This Court, therefore, finds no merit in the appeal.



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7. Accordingly, the Writ Appeal is dismissed. No costs.

[S.S.S.R, J.] [D.B.C., J.]
10.07.2023

Index : Yes / No
Neutral Citation : Yes / No
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