



W.P.(MD)No.11373 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **04.05.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD)No.11373 of 2023

and

W.M.P.(MD)No.9879 of 2023

S.Peter

... Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Rep. by its Principal Secretary,  
Rural Development and Panchayat Raj Department,  
Secertariat, Fort St. George, Chennai - 600 009.
- 2.The Director,  
Rural Development and Panchayat Raj Department,  
Panagal Park, Chennai - 600 009.
- 3.The Chief Engineer,  
Rural Development and Panchayat Raj Department,  
Panagal Park, Chennai - 600 009.
- 4.The District Collector,  
Nagercoil, Kanyakumari District.
- 5.The Project Director,  
Department of Rural Development Authority,  
Kanyakumari District.



W.P.(MD)No.11373 of 2023

WEB COPY

6.The Executive Engineer,  
Rural Development and Panchayat Raj Department,  
Kanyakumari District.

7.The Assistant Executive Engineer,  
Road and Bridge,  
Rural Development and Panchayat Raj Department,  
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refix the estimation amount in Tender Notification No. Nil, dated Nil in Mudhalvarin Grama Salaigal Membattu Thittam (MGSMT) 2022-2023 (Two Cover System in E-Tender) Kanniyakumari District issued by the 5<sup>th</sup> respondent as estimated in other District, based on the petitioner's representation dated 24.04.2023.

For Petitioner : Mr.L.George Paul Anto

For Respondents : Mr.D.Gandhiraj

Special Government Pleader

### **ORDER**

This writ petition has been filed seeking for a direction to the respondents to refix the estimation amount in Tender Notification No.



W.P.(MD)No.11373 of 2023

WEB COPY

Nil, dated Nil in Mudhalvarin Grama Salaigal Membattu Thittam (MGSMT) 2022-2023 (Two Cover System in E-Tender) Kanniyakumari District issued by the 5<sup>th</sup> respondent as estimated in other District, based on the petitioner's representation dated 24.04.2023.

2. It is the case of the petitioner that the petitioner is the owner of the S.P.S.Earth Movers and Contractors and he is a class-I contractor. The Government of Tamil Nadu, in order to develop the roads in rural areas, invited tenders to strengthen and maintain the roads for five years in 37 districts under the Mudhalvarin Grama Salaigal Membattu Thittam (MGSMT) 2022-2023. The fifth respondent invited tenders in Kanniyakumari District under the two cover system in E-Tender. The two cover system is entirely different from other districts. In Kanniyakumari District, tenders are called for the road quality of 75 mm thickness, whereas in other districts, the tenders are called for the road quality of 250 mm thickness.



W.P.(MD)No.11373 of 2023

WEB COPY

3. It is the further case of the petitioner that if the roads are laid in 75 mm thickness, the roads will not be in a good condition and will get damaged soon. In other districts, 35 lakhs has been estimated to complete 1km distance of road, whereas, in Kanniyakumari District, only 18 lakhs has been estimated to complete 1km distance of road. Hence, the petitioner made a representation dated 24.04.2023 to the respondents for refixation of the estimated amount as allotted to other districts. Since the same was not considered, this writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that it would suffice, if a direction is issued to the respondents to consider the petitioner's representation dated 24.04.2023 and pass appropriate orders on it.

5. Considering the limited request made by the learned counsel appearing for the petitioner, the fifth respondent is directed to consider the representation of the petitioner dated 24.04.2023 and pass appropriate



W.P.(MD)No.11373 of 2023

WEB COPY

orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**04.05.2023**

NCC: Yes / No

Index: Yes / No

Sm/Ssb

To

1. The Principal Secretary,  
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Secertariat, Fort St. George, Chennai - 600 009.
2. The Director,  
Rural Development and Panchayat Raj Department,  
Panagal Park, Chennai - 600 009.
3. The Chief Engineer,  
Rural Development and Panchayat Raj Department,  
Panagal Park, Chennai - 600 009.
4. The District Collector,  
Nagercoil, Kanyakumari District.

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W.P.(MD)No.11373 of 2023

**M.DHANDAPANI,J.**

Sm/Ssb

- 5.The Project Director,  
Department of Rural Development Authority,  
Kanyakumari District.
- 6.The Executive Engineer,  
Rural Development and Panchayat Raj Department,  
Kanyakumari District.
- 7.The Assistant Executive Engineer,  
Road and Bridge,  
Rural Development and Panchayat Raj Department,  
Nagercoil, Kanyakumari District.

Order made in  
**W.P.(MD)No.11373 of 2023**

Dated:  
**04.05.2023**