



WP (MD) Nos.13983 and 16694 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.13983 and 16694 of 2023

and

WMP(MD)Nos.11799 and 13948 of 2023

WP(MD)No.13983 of 2023

B.Raja

... Petitioner

Vs

1.The Director,

Office of the Director of Rural Development and Panchyat,
Saidapet, Chennai -15.

2.The District Collector,

Virudhunagar District.

3.The Assistant Director of Village Panchayat,

Office of the District Collectorate,
Virudhunagar District.

4.The Commissioner,

Narikudi Panchyat Union,
Narikudi,
Virudhunagar District.

5.The Chairman,

Narikudi Panchayat Union,
Virudhunagar District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order passed by 4th respondent in Na.Ka.No.A2/0306/2023, dated 10.05.2023 and quash the same as illegal and consequently direct the 3rd and 4th respondents to allow the petitioner to act as class-III contractor in the Narikudi Panchayat Union to take part in the tender.

WP(MD)No.16694 of 2023

B.Raja

... Petitioner

Vs

- 1.The Director,
Office of the Director of Rural Development and Panchyat,
Saidapet, Chennai -15.
- 2.The District Collector,
Virudhunagar District.
- 3.The Assistant Director of Village Panchayat,
Office of the District Collectorate,
Virudhunagar District.
- 4.The Commissioner,
Narikudi Panchyat Union,
Narikudi,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 3 not to allow the auction tender which will be taken on 12.07.2023 called for by the 4th respondent in Narikudi Panchayat Union through E-tender form in Na.Ka.A2/1184/2022,



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dated 04.07.2023 and consequently direct the 4th respondent to allow the petitioner to act as a Class III contractor in the Narikudi Panchayat Union to take part in the Tenders.

For petitioner : Mr.G.Muthukannan

For Respondents : Mr.Veera Kathiravan,

Additional Advocate General

for Ms.D.Farjana Ghousia

in both WPs

COMMON ORDER

These writ petitions are filed by one Raja, S/o.Boominathan, Thiruchuzhi Taluk, Virudhunagar District as against the order debarring the petitioner from taking part in the auction, passed by the Commissioner of Panchayat, dated 10.05.2023 and the subsequent tender dated 12.07.2023 floated by the Commissioner.

2.Since the issue involved and the parties are one and the same, these writ petitions are taken up for hearing together and disposed of by this common order.

3.The petitioner was registered as a contractor by the Commissioner of Narikudi Panchayat by way of resolution dated 29.04.2023 and the petitioner has



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executed certain works as contractor of the panchayat. All of a sudden, by the order impugned herein the Commissioner of the panchayat has debarred the petitioner from taking part in the auction and contemplated enquiry as against the Commissioner, who has registered the petitioner as a contractor. As against the said order of the Commissioner, Narikudi Panchayat passed in Na.Ka.No.A2/0306/2023, dated 10.05.2023 the petitioner has filed the writ petition in WP(MD)No.13983 of 2023.

4.The case of the petitioner is that the impugned order has been passed without affording any opportunity of hearing and without issuing any notice to the petitioner. Pending this writ petition, the respondent has further floated a tender on 04.07.2023 and therefore, with a grievance that in view of the impugned order, he has been deprived of from participating in the tender notification dated 04.07.2023, which was scheduled to be held on 10.05.2023, the petitioner has filed the other writ petition in WP(MD)No.16694 of 2023 is filed for a mandamus not to conduct the auction tender on 12.07.2023 and this Court has entertained that writ petition and granted an order of interim stay.



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5.The respondents have filed their counter affidavit and submits that the impugned order was passed only as a temporary arrangement and they have contemplated enquiry in this regard under the Tamil Nadu Panchayats (Preparation of Plans and Estimates for Works and Mode and Conditions of Contracts) Rules, 1998.

6.In view of the stand taken by the respondents that as a temporary arrangement, the petitioner has been debarred from taking part in any auction / tender as a Contractor and enquiry has been contemplated, this writ petition in WP(MD)No.13983 of 2023 is disposed of with a direction to the respondents to provide sufficient opportunity to the petitioner to offer his explanation and thereafter shall take a decision afresh. In view of the orders passed in WP(MD)No.13983 of 2023, the writ petition in WP(MD)No.16694 of 2023 is disposed of as no further order is required to be passed. No costs. Consequently connected miscellaneous petitioners are closed.

18.07.2023

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To

WEB C

- 1.The District Registrar (Admin),
Registration Department,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Inspector General of Registration,
Madurai Region,
Registration Department,
Madurai District.
- 3.The Sub Registrar,
Registration Department,
Sivakasi,
Virudhunagar District.



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B.PUGALENDHI, J.

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18.07.2023