



W.P(MD)No.20917 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20917 of 2023

and

W.M.P.(MD).Nos.24058 & 17314 of 2023

M/s.Sri Durga Tours and Travels,
Represented by its Proprietor K.Senthilkumar ... Petitioner

Vs.

1.The Managing Director of Tamil Nadu,
Tourism Development Corporation Limited,
Tamil Nadu Tourism Complex,
No.2, Wallajah Road, Chennai.

2.The Manager,
Hotel Tamil Nadu,
Kodaikanal,
Dindigul District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Tender Notice No. 102/HTN/KKL/2023 dated 29.08.2023 issued by the 2nd respondent and quash the same and consequently direct the respondents to issue fresh Tender Notification by providing adequate time to the petitioner and other bidders to participate in the Tender and remove the second sentence



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in condition No.2 as Vehicles with agreement with other owners will not be taken into account and remove the sentence in S.No.3 in Annexure-I as “Tie up vehicles will not be allowed”.

For Petitioner : Mr.N.Mohan

For R-1 : No Appearance

For R-2 : Mr.C.Lakshmanan

ORDER

Heard the learned counsel on either side.

2. The petitioner questions the condition stipulated by the respondent Corporation in the tender notification. The Tamil Nadu Tourism Development Corporation Limited issued a tender notification dated 29.08.2023 inviting applications from authorized travel agents for operating sightseeing tours, pickups and drops from tourist entry points for a period of one year at Hotel Tamil Nadu, Kodaikanal. Earlier, the participants need to show tie up arrangements in respect of the vehicles. But in the impugned tender notification, it had been stated that the vehicles should be either registered in the firms' name or in the name of the owner and that the vehicles with agreement with other owners will not be taken into account.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the Writ Petition. He pointed out that all these years, tie up arrangement was permitted and that a departure has been made and this departure would lead to creation of monopoly in favour of some selective pliers.

4. I am not in a position to grant relief. This is because, in such cases, it is always open to the tender inviting authority to stipulate appropriate conditions. When the Corporation has taken a policy decision that only own vehicles should be produced and not tie up vehicles, it is not for the Writ Court to interfere in the mater.

5. It is stated by the learned Standing Counsel that the impugned tender notification invited three responses. It is further stated that in future they propose to relax the conditions to some extent. Since the issue falls exclusively within the discretionary realm of the first respondent Corporation, I decline to grant relief.



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6. In view of the above, the Writ Petition stands dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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