



**W.P(MD)Nos.22971 & 22972 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 22.09.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)Nos.22971 & 22972 of 2023**

**and**

**W.M.P(MD)Nos.19186, 19188, 19191 & 19192 of 2023**

**R.V.Kottaichamy**

**... Petitioner  
in both writ petitions**

**Vs**

**1.The Special Chief Engineer,  
Water Resource Department (I/c),  
Lower Vaigai Basin Circle, Sivagangai.**

**2.Executive Engineer,  
Water Resource Department,  
Lower Vaigai Basin Circle,  
Paramakudi,  
Ramanathapuram District.**

**...Respondents  
in both writ petitions**

**PRAYER in both writ petitions:** Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the impugned tender notifications dated 22.08.2023 and 24.08.2023 under e-Tender Notice No.08/LVB/2023-24 and No.10/LVB/2023-24 on the file of the first respondent herein and to quash the same as illegal and to direct the second respondent to issue



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“Certificate for Site Visit” to the writ petitioner and to direct the first respondent to conduct the auction by providing Item Rate Boq (Bidders to Quote) enabling the petitioner to participate in the auction in the manner known to law.

For Petitioner :Mr.K.R.Laxman  
in both W.Ps.,  
For Respondents :Mr.G.V.Vairam Santhosh  
in both W.Ps., Additional Government Pleader

### **COMMON O R D E R**

The petitioner is a contractor and has filed these writ petitions challenging the tender notification, dated 22.08.2023 and 24.08.2023 and to direct the second respondent to issue Site Visit Certificate.

2. The learned counsel for the petitioner submitted that the petitioner is having all the required machinaries on his own and also in the name of his wife and hence, he is ready to produce the machinaries for inspection before the respondents. However, in order to eliminate the petitioner from the process of the contract, the second respondent has not issued the certificate.



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3. Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents, based on the instructions provided to him by the officers of the respondents Department, submits that the petitioner has not made any representation for the certificate so far. He further submits that tender has been notified on 22.08.2023 and till date, he has not applied for site visit certificate and the petitioner has filed these writ petitions only to stall the tender process. The learned Additional Government Pleader by referring the typed set of papers submits that he has enclosed only a typed copy without any acknowledgment.

4. The Deputy Superintending Engineer and the Executive Engineer of the respondent Department are present before this Court and submit that the petitioner has not made any request for issuing the certificate as claimed by him. They further submit that technical bid was opened on 19.09.2023, however, no evaluation has been done.

5. This Court considered the rival submissions made.



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6. Though the petitioner claims that he is having a required machinaries, the petitioner is not having any documents to substantiate his claim. In the absence of any documents to substantiate that he has made any request in advance, this Court is not inclined to interfere with the order of the first respondent.

7. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No.  
Index : Yes / No.  
Internet: Yes  
am

**22.09.2023**



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To

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2.Executive Engineer,  
Water Resource Department,  
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**B.PUGALENDHI, J.**

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**Order made in**

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**22.09.2023**