



W.P(MD)No.28214 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28214 of 2023

and

W.M.P.(MD)Nos.24284 & 24286 of 2023

T.Jeyaraj

... Petitioner

**Vs.**

- 1.The Executive Officer,  
Ganapathipuram Town Panchayat,  
Ganapathipuram Post,  
Kanyakumari District-629 502.
- 2.The Director of Town Panchayat,  
Chennai.
- 3.The District Collector,  
Kanyakumari District.
- 4.The Assistant Director of Town Panchayat,  
Nagercoil,  
Kanyakumari District.
- 5.The Assistant Executive Engineer,  
Zone II, Town Panchayat,  
Nagercoil, Kanyakumari District.
- 6.P.Arulappan

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned Memo No. 295/2023 dated 07.07.2023 on the file of



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1st respondent registering the 6th respondent as a Class - I Contractor with the 1st Respondent Town Panchayat and that consequent award of tender by publication dated 21.11.2023 in respect of the tender in Dormant Fund - Phase - III - CC Road 2023 - 2024 dated 30.10.2023 on the file 1st respondent and quash the same and directing the 1st respondent to consider the tender of the other qualified tenderers.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.K.Balasubramani  
Special Government Pleader for R1 to R5

: Mr.N.S.Ramakrishnadass for R6

### **ORDER**

Heard both sides.

2. The first respondent issued tender notification dated 30.10.2023 calling for tenders from the eligible persons for road widening works. The writ petitioner as well as the 6<sup>th</sup> respondent participated in the tender process along with others. The 6<sup>th</sup> respondent turned out to be a successful tenderer. It is put to challenge in this writ petition.

3. The writ petition has to be allowed for reason that as per the terms of the tender notification, the 6<sup>th</sup> respondent could not have been eligible. Clause 4.1 of the tender notification clearly states that the bidder should be a CLASS I contractor currently registered with any State Government Department / Board/ Government undertaking. Admittedly, the 6<sup>th</sup> respondent is not a CLASS I



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contractor registered with any of the aforesaid three categories. The petitioner had registered himself with the local body as Class III contractor. When the tender notification prescribes certain eligibility criteria, the applicant must meet the same. Since in this case it is too obvious that the 6<sup>th</sup> respondent has not met the criteria laid down in Clause 4.1, the work order issued in favour of he 6<sup>th</sup> respondent is set aside. The first respondent is at liberty to issue fresh tender notification. It is open to them to change the eligibility and other conditions also.

4. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

**30.11.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

***NOTE:Issue Order Copy on 01.12.2023***

To

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Ganapathipuram Town Panchayat,  
Ganapathipuram Post,  
Kanyakumari District-629 502.
- 2.The Director of Town Panchayat,  
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- 3.The District Collector,  
Kanyakumari District.



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4.The Assistant Director of Town Panchayat,  
Nagercoil,  
Kanyakumari District.

5.The Assistant Executive Engineer,  
Zone II, Town Panchayat,  
Nagercoil, Kanyakumari District.

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