



W.P(MD)No.29131 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29131 of 2023

and

W.M.P(MD)Nos.25178 & 25179 of 2023

M/s.Mohanapriya Traders,
Represented by its Proprietor,
Rajalakshmi,
W/o.M.Palani,
C-41, Naga Complex,
Nehruji Street,
Thirunagar 3rd Stop,
Madurai – 625 006.

... Petitioner

Vs.

1.The Director of Town Panchayat,
Directorate of Town Panchayat,
7th and 8th Floor,
Urban Administrative Office Campus,
Chennai – 600 028.

2.The Assistant Director of Town Panchayat,
Zonal Office,
Palanichettipatti,
Theni – 625 531.

... Respondents



W.P(MD)No.29131 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned minutes of meetings dated 23.11.2023 passed by the second respondent with regard condition number 8 to obtain Dealership Certificate from Theni District and to have a branch office in Theni District and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.M.Prakash
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents.

2.The petitioner challenges the impugned tender notification on the grounds set out in the affidavit filed in support of the writ petition. His attack is on Condition No.8. The learned counsel appearing for the petitioner points out that originally such condition was not incorporated. Only in the decision taken in the meeting convened by the second



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respondent, such condition was proposed to be incorporated. The said condition proposes that a tenderer must be a Theni District Dealer and that he should have office / branch office in Theni District.

3. When tender inviting authority is the second respondent, it is certainly open to the second respondent to incorporate such condition. However, since the last date of submission of tender is on 13.12.2023, it may not be possible for the tenderers to obtain GSTIN Number and other formalities. The petitioner is already having Theni District Dealership. He is not having branch office. Getting branch office on rent should not be difficult at all. Of course, obtaining GSTIN Number and other formalities may take sometime. Since such condition has been incorporated without giving sufficient time for the tenderers, it is enough if the petitioner had submitted an application for obtaining GSTIN Number. If the petitioner is having Theni District Dealership and also branch office in Theni, he shall not be disqualified. In the meantime, the petitioner must have submitted an application for obtaining GSTIN Number. The petitioner has to fulfil the other conditions while submitting the application.



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4. With these observations, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 08.12.2023.

To

1. The Director of Town Panchayat,
Directorate of Town Panchayat,
7th and 8th Floor,
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2. The Assistant Director of Town Panchayat,
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G.R.SWAMINATHAN, J.

MGA

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