



W.A.(MD).No.2164 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.12.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.2164 of 2023

and

C.M.P.(MD)Nos.17332 & 17334 of 2023

M/s.Sai Hridham Infraa Private Ltd.,
Through its Managing Director,
V.Palanisamy

Vs.

.. Appellant

- 1.The Secretary to Government of Tamil Nadu,
Highways Department, Chennai.
- 2.The Chief Engineer,
Highways (Construction and Maintenance),
Chennai.
- 3.The Superintending Engineer,
Highways (Construction and Maintenance),
Trichy.
- 4.Krishnasamy
- 5.The Divisional Engineer,
Highways (Construction and Maintenance),
Pudukkottai.



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6.M/s.K.R.N.&Co.,
No.663, NH Trichy-Pudukkottai Road,
Muthudaiyanpatti, Pudukkottai District.

7.JPS Construction,
Engineering Contractor,
No.1391, Thaila Nagar, Machuvadi (Post),
Pudukkottai District.

8.SD Infraa,
No.25, IAS Nagar, Thiruverumbur,
Trichy District.

9.Sree Infra Tech,
119, Elathi Street, Thendral Nagar,
K.K.Nagar, Trichy.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 30.11.2023 made in W.P.(MD).No.25916 of 2023 on the file of this Court.

For Appellant : Mr.G.Prabhu Rajadurai

For R1 to R3 &R5 : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by Mr.S.Kameswaran,
Government Advocate



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JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM,J.**)

The right to participate in the tender process to the writ petitioner has not been denied and the writ petitioner participated. The tender was cancelled by the competent authorities by invoking G.O.(Ms)No.25, Highways and Minor Ports (HN2) Department, dated 08.02.2021, since the subject tender was a single tender and other tenderer did not submit original EMDs, which created doubt. Therefore, the Government cancelled the tender. Mere cancellation of a tender would provide no cause nor an absolute right to the writ petitioner to set aside the cancellation order.

2.The learned Additional Advocate General appearing for the respondents 1 to 3 and 5 submitted the copy of the fresh tender notice issued in Tender Notice No.54/2023-2024/HDO, dated 12.12.2023.

3.When fresh tender notification has already been issued and the earlier tender has been cancelled pursuant to G.O.(Ms)No.25, Highways and Minor Ports (HN2) Department, dated 08.02.2021, the writ petitioner has no right to seek



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cancellation of the earlier tender, but has a right to participate in the fresh tender notified on 12.12.2023.

4.In view of the above, the order of the learned Single Judge stands confirmed and this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) & (V.L.N.,J.)

21.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Yuva

To

- 1.The Secretary to Government of Tamil Nadu,
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and

V.LAKSHMINARAYANAN,J.

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