



W.P.No.1378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1378 of 2024 and
W.M.P.No.1410 of 2024

M/s.Karthikeyan Constructions,
Rep by its Partner C.Senthilkumar
S/o.Chinnasamy,
No.4/120-1, Jalyhallikottai Village,
Chettikarai Post,
Dharmapuri Taluk and District.

... Petitioner

Vs.

- 1.The District Collector / Appellate Authority,
Dharmapuri District, Dharmapuri.
- 2.The Block Development Officer,
(Block Panchayat) Dharmapuri Block,
SV Road, Dharmapuri 636 001.

3.Mr.Chinnamuthu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to dispose of the statutory appeal filed by the petitioner company dated 23.12.2023, received on 26.12.2023 against the tender notification in ROC.No.3027/2023/A2 dated 21.11.2023 within a stipulated time as may be fixed by this Court.



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For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.S.Nanmaran, SGP for RR1 & 2
Mr.A.M.Kamalanath for R3

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the first respondent to dispose the statutory appeal filed by the petitioner company dated 23.12.2023, received on 26.12.2023 against the tender notification in ROC.No.3027/2023/A2 dated 21.11.2023 within a stipulated time as may be fixed by this Court.

2. Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.S.Nanmaran, learned Special Government Pleader for R1 & R2 and Mr.A.M.Kamalanath, learned counsel for R3.

3. The petitioner was unsuccessful in getting the tender for construction of Primary Health Centre at Thuringipatty Dharmapuri District issued through tender notification in ROC.No.3027/2023/A2 dated 21.11.2023. According to the petitioner, the tender which has been finalised in favour of the third respondent is not lawful and the petitioner



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has challenged the same before the Appellate Authority who is the first respondent herein. It is further submitted that the third respondent is going to begin the construction and that will affect the remedy sought by the petitioner before the Appellate Authority. Hence the petitioner has also filed a miscellaneous petition in W.M.P.No.1410 of 2024 seeking interim stay.

4. The petitioner has already filed a Writ Petition in W.P.No.36148 of 2023 challenging the rejection of the bid to the petitioner and later withdrawn the same by saying that he would workout the remedy before the Appellate Authority. Accordingly, he has also filed an appeal before the first respondent Appellate Authority. Despite the appeal has been received by the first respondent as early as on 26.12.2023, no further proceedings has been initiated. Hence the petitioner has filed this Writ Petition with the above prayer.

5. Once the appeal is disposed, the petitioner's endeavour in taking the appeal will get fulfilled. Hence, I feel it is appropriate to fix a time frame to dispose the appeal.



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6. It is submitted by the learned counsel for the petitioner that the petitioner has also filed a stay application before the Appellate Authority and the same is also yet to be disposed.

7. In such context of the matter, this Writ Petition is disposed by directing the first respondent to dispose the stay application filed by the petitioner within a period of one week from the date of receipt of a copy of this order and dispose the appeal filed by the petitioner within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

NOTE : Issue order copy of 31.01.2024



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To

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- 1.The District Collector / Appellate Authority,
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(Block Panchayat) Dharmapuri Block,
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R.N.MANJULA, J.

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