



WEB COPY



W.P.No.2249 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2249 of 2024
and W.M.P.Nos.2458 & 2460 of 2024

M.Natarajan

...

Petitioner

/vs/

1. The Assistant Director,
Department of Town Panchayat,
Dharmapuri District.
2. The Assistant Executive Engineer,
Department of Town Panchayat,
Dharmapuri District.
3. The Executive Officer,
Kambainallur Town Panchayat,
Dharmapuri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating to the impugned Tender Notice bearing No.Na.Ka.No.158/2023/A1 dated 12.12.2023 issued by the third respondent, quash the same as illegal and consequently direct the third respondent for issuance of fresh tender/re-tender in respect of all the works.



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For Petitioner ... Mr.P.M.Jayachandran

For Respondents ... Mr.V.Ravi
Special Govt. Pleader for R1
Mr.S.Ravichandran
Additional Govt. Pleader for RR2 & 3

ORDER

This writ petition has been filed challenging impugned Tender Notice bearing No.Na.Ka.No.158/2023/A1 dated 12.12.2023 issued by the third respondent and consequently to direct the third respondent for issuance of fresh tender/re-tender in respect of all the works.

2. The petitioner is a bidder and submitted his quotation in response to the tender notification dated 20.11.2023 and 12.12.2023. It is submitted by the petitioner that the notice has been given to him and other bidders by stating that the last date for submitting the bid is 22.12.2023 @ 3.00 p.m. The date and time of opening technical bid is also fixed @ 3.30 p.m. on the same day. The grievance of the petitioner is that the technical bids were not opened as per the notice dated 22.12.2023 but it has been opened only on 05.01.2024 with an ultimate intention to allot the tender to the person of the convenience of the third respondent.



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3. Mr.S.Ravichandran, the learned Additional Government Pleader, submitted that even though the tender bid was not opened on 22.12.2023, the further notice has been issued on 02.01.2024 for the petitioner and others; the tender bid cannot be opened on 22.12.2023 since no one has participated.

4. The only grievance of the petitioner is that due to postponing the tender notification, there are possibilities for including or altering the tender bids of others and that would prejudice the interest of the contractors who have already filed their bids.

5. Except the doubts raised by the petitioner in this regard due to the delay caused in opening the bids, no substantial material is produced before the Court to show that there were some frauds committed in order to finalize the tender in favour of anyone else. Though it would have been appreciable if the respondents have opened the bids on the destined dates without making any postponement, in the case on hand, I do not find any illegality in finalizing the tender on 05.01.2024. In fact the petitioner has



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also been given with notice and it is not the grievance of the petitioner that on 05.01.2024 the tender bids were opened behind his back. Hence, I find no merits in this writ petition.

6. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petitions are closed.

05.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
bkn



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To:

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R.N.MANJULA ,J.

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