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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.627 of 2018

and

W.M.P.Nos.774 & 775 of 2018

K.Muthukumarasamy

.. Petitioner

Vs.

- 1.The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, St. George Fort,
Chennai – 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 3.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 4.The Superintending Engineer – II,
Construction Wing,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.



5.The Executive Engineer,
Division – II, Construction Wing,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent in Letter No. DB/Dn.II/417-1/16 dated 29.11.2017 and quash the same and consequently, direct the 5th respondent to grant lease to the petitioner in respect of the Restaurant in Amenity Building at Lorry Parking Yard, KWMC, Koyambedu pursuant to the tender notification, dated 03.11.2017 after fulfilment of all terms and conditions thereto.

For Petitioner .. Mr.M.Vijayamohanam
for M/s.AAV Partners.

For R1 .. Mr.V.Nanmaran,
Additional Government Pleader.

For R2 to R5 .. Ms.P.Veena Suresh,
Standing Counsel.

ORDER

This writ petition has been filed in a nature Certiorarified Mandamus, seeking records of the 5th respondent, the Executive Engineer, Division-II, Construction Wing, Chennai Metropolitan Development Authority in Letter No. DB/Dn.II/417-1/16 dated 29.11.2017 and to quash the same.



2.The petitioner had participated in a tender called for running of a Restaurant in the Amenity Building at Lorry Parking Yard, Koyambedu. A tender notification had been earlier issued on 03.11.2017. In the impugned order, the 5th respondent had stated as follows:

“It is informed that the offer for Allotment of Restaurant in Amenity Building at Ground Floor in Lorry Parking Yard, Koyambedu on rent is not considered due to Administrative reasons. You are requested to attend this office for refund of EMD Rs.25,000/-.”

3.The prerogative to cancel the tender is vested with the authority, who calls for the tender. It is an administrative decision and a policy decision. The Court cannot thrust a tenderer on the respondents. The writ petition does not survive for adjudication. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected writ miscellaneous petitions are closed.

4.The learned counsel for the petitioner raised a doubt whether the security deposit had been refunded or not. Both the petitioner and the



respondents may examine the records and if the security deposit had not been refunded, the same may be refunded, but however, without any interest to the petitioner.

11.11.2024

Index:Yes/No
Internet:Yes/No
smv

To

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C.V.KARTHIKEYAN,J.

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