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W.P.No.4860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.4860 of 2024

and

W.M.P.Nos. 5305, 5307 & 5308 of 2024

1.S.Baskaran

2.N.Baskar

.. Petitioners

VS

1.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.

2.The Managing Director,
Tamil Nadu Adi Dravidar Housing Development Corporation,
No.31, Cenotaph Road,
2nd Lane, Teynampet,
Chennai – 600 018.

3.The Director of Adi Dravidar Welfare
Chepauk, Chennai – 600 005.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned Tender Notification No.05/2023-24 dated 01.02.2024 issued by the 2nd respondent and quash the same and consequently to direct the respondents 1 to 3 to permit the contractors who were already worked under the 3rd respondent over 25 years and belonging to the same Scheduled Caste / Scheduled Tribes Community to participate in this Tender proceedings without any condition.



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For Petitioner : Mr.T.Ranganathan
For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.G.Nanmaran, SGP
for R1 & R3
Mr.C.Ashok Kumar for R2

ORDER

W.M.P.No.5304 of 2024 is ordered on payment of separate court fee, if not already paid.

2. The only point that was argued right from the inception of this writ petition was that the tender notification was selectively published only in some editions of the news paper and hence the petitioners were not aware of such a notification at all. This has been recorded in order-sheet noting dated 26.02.2024 that reads as follows:-

"Mr.G.Nanmaran, learned Special Government Pleader accepts notice for R1 and R3. Mr.C.A.Ashok Kumar, learned counsel accepts notice for R2 and circulates a memo dated 26.02.2024 giving the dates and events in relation to Tender Notification No.5/2023-24 dated 01.02.2024. He also disputes the submissions of the petitioner that no Notification of the tender was issued in the paper, circulating a copy of a newspaper containing the call for bids.

2.Petitioner counsel would counter by stating that the Notification has been published



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only in the Chennai City Edition of The Hindu and not in the all State Edition. He seeks some time to obtain instructions.

3.List on 04.03.2024 at the end of admission list.

4.Status quo till then.”

3. The matter was thereafter adjourned to today to enable the respondents to produce physical copies of the newspaper to validate their claim that the notifications had been published in all editions of The Hindu and not just in Chennai City Edition. Affidavit has also been filed today, and is placed on record.

4. In light of the above, the very substratum of this writ petition fails. The petitioners then seek liberty to participate in the tender. No liberty is required seeing as the last date for submission of bids is 11.03.2024. Hence the petitioners may participate in the tender, if they desire.

5. It is made clear that their bids will be assessed on the strength of the bids and compliance with the tender conditions and full liberty is available with respondents in this regard.

6. Insofar as the basis of this writ petition has been found to be misconceived and the matter has been heard on multiple occasions, petitioners are put to terms and will remit Rs.15,000/- (Rupees Fifteen Thousand Only) each towards Welfare Schemes of Adidravidar and Tribal Welfare Department in the accounts of the



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respective districts namely 1. Account Name : M/s. District Manager, TAHDCO, Tiruchirappalli, Account No. 009001000013943, IFSC Code : IOBA0000090, Bank : Indian Overseas Bank, Branch: Thillainagar, Trichy; 2. Account Name : M/s. District Manager, TAHDCO, Perambalur, Account Number : 129401000002303, IFSC Code : IOBA0001294, Bank : Indian Overseas Bank, Branch : Perambalur, Shareef Complex, Madhanagopalapuram within a period of two weeks from date of receipt of a copy of this order. Let proof of remittance be filed by way of a memo in the Registry.

7. This writ petition is dismissed with costs. Connected miscellaneous petitions are closed.

05.03.2024

Index:Yes/No
Neutral Citation:Yes
ssm

Note to Registry : Memo of compliance be circulated in Chambers.

To

- 1.The Secretary to Government,
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Secretariat, Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Adi Dravidar Housing Development Corporation,
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DR. ANITA SUMANTH,J.

ssm

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