



W.P.No.28382 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28382 of 2024

B.Sugumar

... Petitioner

Vs.

- 1.The Additional Chief Secretary to the Government,
Water Resources Department,
Fort St.George,
Secretariat, Chennai-9.
- 2.The Engineer-in-Chief & Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-5.
- 3.The Chief Engineer,
Water Resources Department,
Chennai Region,
Chepauk, Chennai-600 005.
- 4.The Superintending Engineer,
Palar Basin Circle,
Water Resources Department,
Chepauk, Chennai-5.



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5.The Executive Engineer,
Araniyar Basin Division,
Water Resources Department,
Chepauk, Chennai-5.

6.The Executive Engineer,
Kosasthalaiar Basin Division,
Water Resources Department,
Tiruvallur.

7.The Executive Engineer,
Lower Palar Basin Division,
Water Resources Department,
Kancheepuram.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to take action to follow the online tender under Section 22(1) of Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998) and cancel all the open and secret tender system for the works allotted for the year 2024-2025 issued by the Water Resources (1.so1.2) Department dated 06.02.2024 etc., by considering the representation dated 27.08.2024 within a time to be stipulated by this Court.

For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.Yokesh Kannadasan
Special Government Pleader



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ORDER

This Writ Petition has been filed to direct the respondents to take action to follow the online tender under Section 22(1) of Tamil Nadu Transparency in Tenders Act 1998 (Tamil Nadu Act 43 of 1998) and cancel all the open and secret tender system for the works allotted for the year 2024-2025 issued by the Water Resources (1.so1.2) Department dated 06.02.2024, by considering the petitioner's representation dated 27.08.2024.

2. The case of the petitioner is that the petitioner is a PWD registered contractor and was entrusted with tender works through online tender process from 01.04.2023 onwards. While so, the respondents have issued Tender Notification presently for various works in Water Resources Department, as a measure of pre-monsoon preparedness for the year 2024-2025 by Secret Tender Processes, without complying online tender processes and due to prevailing secret tender notification system, the officials have taken undue advantage and entrusted tender to the unqualified persons. In this regard, the petitioner has also made a representation on



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27.08.2024, however, the same has not been considered. Hence, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents are directed to dispose of the representation of the petitioner, dated 27.08.2024, on merits and in accordance with law, within a specified period.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. The relief sought for in the present writ petition by the petitioner is to cancel all the open and secret tender system for the works allotted for the year 2024-2025 issued by the Water Resources (1.so1.2) Department dated 06.02.2024, however, it cannot be granted by this Court. If at all the petitioner is aggrieved by a particular tender floated contrary to the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of



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1998), liberty is granted to the petitioner to file a fresh writ petition regarding the particular tender, if any floated, contrary to the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998).

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

24.09.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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M.DHANDAPANI, J.

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