



WEB COPY



W.P.No.27999 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.27999 of 2024

K.Shivaji

...Petitioner

Vs.

1. The Superintendent Engineer,
Highway Department (C&M),
No.214, Tindivanam Road,
Mavakkarai, Thiruvannamalai – 606 601.

2. The Divisional Engineer,
Highway Department (C&M),
VIT Opposite, Thiruvallam Road,
Vellaikkal Medu, Vellore – 14.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to inspect and issue Machinery Quality Certificate to the petitioner to enable him to participate in the tender in respect of Tender called by 1st respondent in Notice No.02/2024-25/HDO, dated 14.08.2024 and Tender Notice No.03/2024-25/HDO, dated 19.08.2024.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.LSM.Hasan Fizal, AGP



W.P.No.27999 of 2024

ORDER

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2. Mr.LSM.Hasan Fizal, learned Additional Government Pleader takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner is a Class I Contractor of Highways Department and he is running a construction company in the name and style of M/s. CKS Constructions, Vellore. While so, the respondent issued notifications in Notice No.02/2024-25/HDO dated 14.08.2024 and a subsequent Tender Notice No.03/2024-25/HDO dated 19.08.2024, calling for tender for Urban Improvements and for Widening of roads respectively. In order to participate in the above tender, as the petitioner is in need of Machinery Quality certificate, he made a



W.P.No.27999 of 2024

representation dated 16.09.2024 to the respondents seeking issuance of Machinery Quality Certificate, which evoked no response. Thereby, the petitioner sent a legal notice on 17.09.2024, however, the same was also not considered by the respondents. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 16.09.2024 as well as the legal notice dated 17.09.2024 and to consequently issue Machinery Quality Certificate in favour of the petitioner, enabling him to participate in the above said tenders called by the 1st respondent.

5. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submitted that, till date no such representation has been submitted by the petitioner seeking issuance of Machinery Quality Certificate. However, he fairly submitted that, appropriate orders will be passed after inspecting the petitioner's machineries.



W.P.No.27999 of 2024

6. In view of the aforesaid submissions, this Court without going into the merits of the case directs the learned Additional Government Pleader to send appropriate communication to the 2nd respondent with regard to the inspection of the petitioner's machineries and the 2nd respondent is directed to inspect the petitioner's machineries by considering the petitioner's representation dated 16.09.2024, if any and the legal notice dated 17.09.2024 issued by the petitioner and upon satisfaction, the 2nd respondent shall issue Machinery Quality Certificate to the petitioner on or before 23.09.2024, enabling him to participate in the above said tenders called by the 1st respondent.

7. With the above directions, this Writ petition stands disposed of. No costs.

20.09.2024

skt

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

Note to office: Issue order copy on 20/09/2024.

4/6



W.P.No.27999 of 2024

WEB COPY To:

1. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO),
144, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Palladam Electricity Distribution Circle,
Palladam.



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W.P.No.27999 of 2024

M.DHANDAPANI, J.

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W.P.No.27999 of 2024

20.09.2024