



WEB COPY



W.P.No.30975 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.30975 of 2024

and

W.M.P.Nos.33585 & 33586 of 2024

N.Thangarajan,
Director of N.Thangarajan and Co,
No.32, Thandavaraya Gounder Street,
Velapadi Village, Vellore. Petitioner

Vs

The Commissioner,
Vellore Municipal Corporation,
Vellore,
Vellore District. Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, call for the records in respect of Resolution No.9, dated 26.07.2024 in Na.Ka.No.391/2024/H1, passed by the Council and the consequential E-Reauction notification dated 01.10.2024 passed by the respondent to issue work order, contract agreement to the petitioner being the successful bidder in E-auction dated 12.01.2024.



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For Petitioner : Mr.D.Rajagopal

For Respondent : Dr.T.Seenivasan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the Resolution No.9 dated 26.07.2024 passed by the respondent and also issued e-reaction notification dated 01.10.2024.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is a Contractor and it is a partnership firm. The petitioner is engaged in the business of providing manpower, outsourcing and house keeping to the Government organizations. The petitioner was a successful bidder from the year 2013-2021 in the auction conducted by the respondent for the purpose of housekeeping and manpower for the Corporation building. While being so, on 05.12.2023, the respondent issued notification by floating the tender for



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the work of office maintenance. The petitioner participated in the tender and he was declared as successful bidder. However, no work contract was entered between the petitioner and the respondent.

4. While being so, the respondent issued re-tender notification on 01.10.2024 for the very same work which was sanctioned in favour of the petitioner as per the notification dated 05.12.2023. Thereafter, the petitioner came to know that the respondent passed resolution, thereby cancelled the tender and issued re-tender for the very same work on the ground that the earlier contractor failed to pay the salary to the workers and they also decided to complete the work with their own manpower.

5. The learned counsel appearing for the petitioner would submit that the petitioner was not the earlier contractor. Therefore, the reason stated in the resolution is not a good reason to cancel the earlier tender and issue re-tender notification. The petitioner was the successful bidder in the past several years with the respondent Corporation.



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6. On instructions, the learned Special Government Pleader appearing for the respondent submitted that the petitioner's partnership firm was the earlier contractor in the name and style of 'Sri Ragavendra and Co', in which his son, viz., Balaji, is one of the partner. In fact, the present firm, i.e, N.Thangarajan & Co, in which the said Balaji, his wife and daughter are the partners. That apart, the works were processing by its own manpower.

7. In view of the above, this Court finds no infirmity or illegality in the re-tender notification and the Resolution passed by the respondent dated 26.07.2024. Thus, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed.
No costs.

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Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Lpp



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To
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The Commissioner,
Vellore Municipal Corporation,
Vellore,
Vellore District.



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G.K.ILANTHIRAIYAN, J.

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