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W.P.No.32882 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.32882 of 2023
and
WMP.Nos.32518 & 32520 of 2023

M/s.Modern Laboratories
Represented by V.Thiyagarajan
General Manager
45-47, Sector D-2
Sanwer Road
Indur 452015
Madhya Pradesh.

...Petitioner

Vs.

1.The Secretary to Government
Health & Family Welfare Department
Government of Tamil Nadu
Secretariat
Chennai 600 009.

2.The Managing Director
Tamil Nadu Medical Services Corporation Ltd.,
417, Pantheon Road
Egmore, Chennai 600 008.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order No.010/M(P)/DRUG/TNMSC/2022 dated 27.06.2022 and No 010/M(P)/DRUG/TNMSC/2022 dated 14.09.2023 issued by the second respondent and quash the same.

For Petitioner : Mr.Subramanian Vaidyanathan
for Ms.S.P.Arthi

For Respondents : Mr.G.Ameedius for R1
Government Advocate

Mr.Sivakumar for R2

ORDER

This Writ Petition is filed challenging the order passed by the second respondent blacklisting the petitioner for five years from participating in the tender allotted by the respondents on the ground that the petitioner suppressed certain material facts namely black listing of the petitioner by the Karnataka High Court.



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2. The learned counsel for the petitioner submitted that the petitioner was earlier blacklisted by the Karnataka Medical Supplies Corporation. The petitioner participated in the tender floated by 2nd respondent on the strength of interim order passed by Karnataka High Court in WP.No.9514 of 2020. The 2nd respondent blacklisted petitioner by impugned order on the ground that the petitioner suppressed the dismissal of WP.No.9514 of 2020 by Karnataka High Court during June 2021. Subsequently, the petitioner submitted a representation before the second respondent seeking reconsideration of the blacklisting order passed against the petitioner and the same has been rejected. Hence, the petitioner has come before this Court challenging the earlier blacklisting order and also subsequent order rejecting representation of petitioner seeking reconsideration.

3. When the matter is taken up for hearing, the learned Government Advocate appearing for the first respondent brought to the notice of this Court that the very same impugned order blacklisting the petitioner



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was challenged by the Petitioner in W.P.No.25530 of 2023 and the same was dismissed as infructuous by order dated 12.10.2023 on the basis of endorsement made by the learned counsel for the petitioner. The said dismissal order has not been disclosed by the petitioner in this Writ Petition. Therefore, the second petition filed by the petitioner challenging the very same order is not maintainable.

4. When the Writ Petition filed by the petitioner challenging the very same impugned order was dismissed by this Court by recording the endorsement made by the petitioner, he is not entitled to file another Writ Petition challenging the very same order. In the writ affidavit the petitioner has not disclosed dismissal of earlier writ petition in WP.No.25530 of 2023, which was filed against the order blacklisting the petitioner dated 27.06.2022, which is again challenged in the present Writ Petition. Hence, petitioner is guilty of suppression of material facts before this Court and he has not come before this Court with clean hands. Even impugned blacklisting order was passed on the ground petitioner failed to disclose dismissal of Writ Petition No.9514 of 2020 by Karnataka High Court. Therefore, it is clear petitioner



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not only suppressed material facts before 2nd respondent but also suppressed material facts in Writ affidavit. Therefore, this Court is not inclined to entertain this writ petition.

5. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

11.11.2024

Index : Yes / No

Internet : Yes / No

dna

To

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S.SOUNTHAR, J.

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