



W.P.No.36902 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.36902 of 2024
and WMP.No.39857 of 2024

Vengatesh & Co
Rep by its Managing Partner,
N.Vengatesh
4/208, Rajeshwari Nagar,
Ganeshapuram Point,
Coimbatore District 641 107.

... Petitioner

Vs.

1. The District Collector/Chairman
District Rural Development Agency,
Coimbatore, Coimbatore District.
2. The Additional Collector (Development)
District Rural Development Agency,
Coimbatore District.
3. The Executive Engineer
District Rural Development Agency,
Coimbatore District.
4. The Block Development Officer (BP)
Annur Block, Annur,
Coimbatore District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records relating to the order of the 1st respondent dated 12.07.2024 in Na.Ka.No.896/2023/A2 and quash the same and consequently direct the respondents to allow the petitioner to participate in all the ensuing tenders.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate for R1 to R3
M/s.P.Vijaya Devi
Government Advocate for R4

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the 1st respondent dated 12.07.2024 in Na.Ka.No.896/2023/A2 and quash the same and consequently direct the respondents to allow the petitioner to participate in all the ensuing tenders.

2. In the affidavit filed in support of the writ petition it had been stated that the petitioner is a registered Civil Engineering Contractor in Annur Panchayat Union and also in Sarkar Samakulam Panchayat Union. It had been



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stated that the petitioner had submitted a tender for construction of a drain with a soap pit from Aathukuttai Anganwadi to Kuttai near H/o.Kuppanur Panchayat (BP) in Annur block of Coimbatore district. This tender was notified by the 1st respondent on 30.01.2024. Thereafter, the first respondent had also given a letter of acceptance on 13.03.2014. The petitioner was directed to furnish security deposit for an amount equivalent to 2% of the contract value. The petitioner had also furnished security deposit. However, the first respondent by an order dated 12.07.2024 had cancelled the letter of acceptance by stating that the Additional District Collector had passed an order blacklisting the petitioner herein by an order dated 29.02.2024.

3. The learned counsel for the petitioner however pointed out that the order dated 29.02.2024 was the subject matter of W.P.No.16562 of 2024 and a learned single Judge of this Court by an order dated 12.08.2024 had set aside that particular order dated 29.02.2024. It is thus contended by the learned counsel that the reason now given to cancel the letter of acceptance to the petitioner does not hold good any more. When the matter came up earlier, direction was issued to the first respondent to take note of the order of the learned single Judge in W.P.No.16562 of 2024 and pass a fresh order but however no steps have been taken so far.



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4. In view of that particular fact, a direction is issued to the first respondent to recall the order now impugned dated 12.07.2024 and examine the order of the learned single Judge in W.P.No.16562 of 2024 dated 12.08.2024 and pass fresh orders. It is also to be noted that any decision taken after the letter of acceptance had been issued can be taken only after issuing notice to the petitioner and affording an opportunity of being heard. Let due process be followed. The impugned order is set aside. If the first respondent is of the opinion that no further orders are necessary then the petitioner may proceed further in accordance with letter of acceptance already issued. If the first respondent is of the opinion that further enquiry has to be made then he must put the petitioner on notice and then conduct enquiry and pass fresh order.

5. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes /No

Speaking Order : Yes/No



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