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W.P.Nos.37736 and 37738 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.37736 and 37738 of 2024

P.Annadurai

... Petitioner (in both WPs)

vs.

1.The Superintending Engineer (H) (C&M),

Salem Circle,

Steel Plant Road,

Jaggirammalayam, Salem – 636 002. ... Respondent (in both WPs)

2.The Divisional Engineer,

Highways (C & M),

Londonpettai,

Krishnagiri.

... Respondent (in WP.No.37736/2024)

2.The Divisional Engineer,

Highways (C & M),

Salem Main Road, Dharmapuri. ... Respondent (in WP.No.37738/2024)

PRAYER in W.P.No.37736 of 2024: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to inspect the machinery and issue required machinery certificate as requested by the petitioner letters dated 25.11.2024 and 07.12.2024.

PRAYER in W.P.No.37738 of 2024: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to inspect the machinery and issue required machinery



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certificate as requested by the petitioner letters dated 27.11.2024 and 07.12.2024.

For Petitioner : Mr.M.S.Palaniswamy (in both WPs)

For Respondents : Mrs.M.Jayanthi
Additional Government Pleader
(in both WPs)

COMMON ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, these writ petitions are disposed of at the admission stage itself.

2. These Writ Petitions are filed seeking a direction to the 2nd respondent to inspect the machineries of the petitioner as requested by him in his Letters dated 25.11.2024, 27.11.2024 and 07.12.2024 and issue necessary Machinery Certificate.

3. It is the case of the petitioner in W.P.No.37736 of 2024 that the 1st respondent issued a Tender Notice No.39/2024 – 2025/HDO, dated 28.10.2024 through online inviting bids for Widening from Intermediate Lane to Four Lane and Strengthening at Km 7/4-9/0 and Widening from Two Lane to Four Lane at Km 9/0-12/9 of Jandamedu-Puliyur road



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including CD works at Km 7/6, 8/6, 9/2, 9/8(i), 9/8(ii), 10/6, 10/8, 11/4 and 12/8.

4. It is the case of the petitioner in W.P.No.37738 of 2024 that the 1st respondent issued a Tender Notice No.39/2024 – 2025/HDO, dated 28.10.2024 through online inviting bids for Widening from Two Lane to Four Lane and Strengthening at Km 0/0 – 3/0 of Dharmapuri – Papparapatti Road including Reconstruction of culvert at Km 0/2, 2/2, 2/4, Construction of Drain, Junction Improvement Km 0/10, Km 2/6, Providing center median and Paver block.

5. The petitioner intend to submit his bid and the last date for submitting the bid through online is 11.12.2024. It is further case of the petitioner that as per the tender condition, the petitioner has to submit Machinery Certificate, which shall be issued by the 2nd respondent after inspecting the machineries of the petitioner. Inspite of several request made by the petitioner, the 2nd respondent has not inspected the machineries of the petitioner and issued required certificate. Therefore, effectively the petitioner is prevented from submitting his bid. In view of the same, the



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petitioner has come up before this Court with the above mentioned prayers.

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6. Mrs.M.Jayanthi, learned Additional Government Pleader takes notice for the respondents.

7. When the writ petitions are taken up for hearing, the learned Additional Government Pleader appearing for the respondents, on written instructions of the 2nd respondent in his letters in ந.க.எண்.125/2024/ஆ3/நாள்.09.12.2024 and ந.க.எண் : வழக்கு/2024-25/இவஅ-1/நாள்:09.12.2024, submits that as per the tender conditions, the petitioner has to submit a self-attested certificate in Form-10 to the effect that the machineries of the petitioner are in good working condition and the procedure for issuing Machinery Certificate by the Respondents-Department is dispensed with.

8. The said statement made by the learned Additional Government Pleader appearing for the respondents based on the written instructions from the 2nd respondent is recorded.

9. Accordingly, the petitioner is directed to submit his self-attested certificates with regard to the good working condition of the machineries in



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Form-10 along with his bid.

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10. With this clarification, the Writ Petitions are disposed of. No costs.

09.12.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

Note: Issue order copy on 11.12.2024.

To

1. The Superintending Engineer (H) (C&M),
Salem Circle,
Steel Plant Road,
Jaggirammalayam, Salem – 636 002.
2. The Divisional Engineer,
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S.SOUNTHAR, J.

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