



1

W.P.(MD)NO.4771 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4771 of 2024 AND
W.M.P.(MD)Nos.4577 & 4578 of 2024

S.Murugan

... Petitioner

Vs.

1. The Commissioner,
O/o.The Municipal Administration and Water Supply Department,
Pattinapakkam, Chennai.
2. The Regional Director,
Municipal Administration and Water Supply Department,
Thanjavur.
3. The Commissioner,
O/o.Pudukkottai Municipality,
Pudukkottai District.
4. Kiran Kumar
5. Syamala
(R-5 is impleaded vide order dated 18.03.2024
in W.M.P.(MD)No.5493 of 2024)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned tender notification (without having any reference number) dated 30.01.2024, particularly with regard to item in S.No.1 pertaining to Licence to Collect Fee at Weekly Market issued by the 3rd respondent for the year 2024-2027 and quash the same and consequently direct the 3rd respondent to issue a fresh Tender



Notification in respect of S.No.1 licence to collect fee at weekly market and to permit the petitioner to participate in the tender/auction for the year 2024-2027 by following transparency, fair and reasonable procedure within the time frame stipulated by this Court.

For Petitioner : Mr.S.Srikanth,
for M/s.APN Law Associates.

For R-1 to R-3 : Mr.K.S.Selvaganesan,
Additional Government Pleader.

For R-4 : Mr.G.Prabhu Rajadurai,
for Mr.G.Mathavan.

* * *

ORDER

Heard both sides.

2. The petitioner challenges the tender process conducted by Pudukkottai Municipality for issuance of license to collect user fee in respect of the weekly market.

3. The case of the petitioner is that he was not allowed to participate in the tender. The license was issued in favour of the fourth respondent as his bid for Rs.43,65,000/- turned out to be the highest. The petitioner was willing to outbid the same. The petitioner was called upon to show his *bona fides*. Today the petitioner produced DD for a sum of Rs.20 Lakhs. He had already produced DD for a sum of Rs.40 Lakhs. The petitioner had shown his *bonafides*. He has produced DD for a sum



of Rs.60 Lakhs in all. I called upon the petitioner's counsel to demonstrate as to how the petitioner was prevented from taking part in the tender. The materials placed before me are also absolutely insufficient to substantiate the allegation made by the petitioner. The last date was 22.02.2024. The tenders were opened on 23.02.2024. If the petitioner had been prevented, he would have immediately lodged a complaint before the respondents. Without doing so, he straightaway moved this Court on 28.02.2024. As rightly pointed out by the learned counsel appearing for the fourth respondent as well as the Standing counsel appearing for the local body, if settled contractual matters are sought to be unsettled, it would encourage speculation and the adventurism. It is pointed out that the tender notification itself provides for outbidding the highest bidder. But then the higher offer must come within 24 hours. In this case, the petitioner has chosen to wait for full five days. I am not in a position to grant relief. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



WEB COPY



To:

1. The Commissioner,
O/o.The Municipal Administration and Water Supply Department,
Pattinapakkam, Chennai.
2. The Regional Director,
Municipal Administration and Water Supply Department,
Thanjavur.
3. The Commissioner,
O/o.Pudukkottai Municipality, Pudukkottai District.



WEB COPY



5

W.P.(MD)NO.4771 OF 2024

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.4771 of 2024

18.03.2024