



W.P.(MD)No.19152 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19152 of 2024
and W.M.P.(MD)No.16213 of 2024

M.Christuraj

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Nagercoil,
Kanyakumari District.

2.The Regional Director of Municipal
Administration,
Palayamkottai, Tirunelveli.

3.The Commissioner,
Kuzhithurai Municipality,
Vettumani, Kanyakumari District.

4.Ganaraj

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing to the respondents 1 to 3 to call for fresh tender by considering the petitioner's representation dated 30.07.2024.



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For Petitioner : Mr.B.Christopher
For Respondents : Mr.A.Kannan,
Addl. Govt Pleader for R1 & R2
Mr.P.Athimoolapandian for R3

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 3 to call for fresh tender, by considering the petitioner's representation dated 30.07.2024.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader, who takes notice for respondents 1 and 2 and the learned counsel, who takes notice for the third respondent. Since no adverse order is going to be passed against the fourth respondent, notice to the fourth respondent is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal.

4. The grievance of the Writ petitioner is that the third respondent by its proceedings in Na.Ka.No.3066/2021/A2 dated 19.06.2024, invited and published a tender notification for the period of 2024-2025 till 2026-2027. The period for



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tender agreement is three years. As per the tender notification, tender bid will be accepted till 03.07.2024. The petitioner participated in the tender auction held on 03.07.2024 and he bided for Rs.13,56,000/-. But one Alaguraj bided for Rs.43,00,000/- and one Mr.Kumaradoss bided for Rs.42,00,000/-. As per the tender notification, the highest bidder ought to have paid the entire auction amount within 24 hours. But, both of them failed to remit the auction amount. As they have not paid the auction amount, the auction should be confirmed to the next highest bidder. However, without confirming the tender in favour of the petitioner, now the third respondent is trying to allot the tender to the fourth respondent for a sum of Rs.13,05,000/-. Hence, the petitioner has filed this Writ Petition.

5. The learned counsel appearing for the third respondent would submit that in the original tender, the highest bidder has not remitted the amount. Therefore, the tender has been cancelled and security deposit has been fortified and subsequent tender was also called for on 16.07.2024 and auction was held on 24.07.2024. In the said auction, two persons were participated and one Ganaraj has become the highest bidder for a sum of Rs.13,05,000/- and tender has been confirmed in his favour. The petitioner is also aware of the said fact and he has



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also give a representation on 30.07.2024 in this regard. However, suppressing the said fact, now the petitioner has filed this Writ Petition. Hence, the Writ Petition is not maintainable.

6. This Writ Petition is proceeded as if without inviting any further tender notification for auction, the authorities are awarding contract to the fourth respondent. However, the fact is otherwise. As the auction amount has not been paid by the highest bidder in the earlier tender, a fresh tender was called for on 16.07.2024 itself. Pursuant to the same, auction was conducted on 24.07.2024. Therefore, the very allegation in the Writ Petition itself is suppression of material facts.

7. In such view of the matter, I do not find any merits in this Writ Petition. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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