



W.P.(MD) No.8786 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM:

THE HONOURABLE MR.D.KRISHNAKUMAR,

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.8786 of 2018

and

W.M.P.(MD)Nos.8213 to 8215 of 2018

V.R.Swaminathan

... Petitioner

-Vs-

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Project Director,
District Rural Development Agency,
Collectorate,
Thanjavur District.

3.The Commissioner,
Papanasam Panchayat Union,
Papanasam,
Thanjavur District.



W.P.(MD) No.8786 of 2018

4.The Special Officer / Block Development Officer,
(Village Panchayat),
Papanasam Panchayat Union,
Papanasam,
Thanjavur District.

5.Narayanan,
Block Development Officer,
Papanasam Panchayat Union,
Papanasam,
Thanjavur District.

6.T.Anbalagan,
Contractor,
38, Vaduga Street,
Papanasam,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned tender notification in Na.Ka.No.512/2016/A2 dated Nil.04.2018 of the third respondent and quash the same insofar as Item Nos.29 & 30 alone.



W.P.(MD) No.8786 of 2018

For Petitioner : Mr.AN.Ramanathan
For Respondents 1 to 4 : Mr.P.Thilak Kumar,
Government Pleader

ORDER

[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]

The prayer sought for in this Writ Petition is for a Writ of Certiorari, calling for the records relating to the impugned tender notification in Na.Ka.No. 512/2016/A2 dated Nil.04.2018 of the third respondent and to quash the same insofar as Item Nos.29 & 30 alone.

2.When the writ petition was taken up for hearing, the fifth respondent has filed a counter affidavit, wherein in paragraph No.3, it has been stated as follows:

“3.It is submitted that the tender notification dated 03.04.2018 was issued by this respondent in Na.Ka.No. 512/2016/A2, is published in the District Gazette and since no paper publication was effected this respondent undertake to withdraw the tender notification dated 03.04.2018 in Na.Ka.No.512/2016/A2, which is challenged the present writ petition. It is also submitted that the 6th respondent is not the



WEB COPY



W.P.(MD) No.8786 of 2018

contractor in the tender notification dated 03.04.2018, which is impugned in this present writ petition now being is cancelled by this respondent in NaKa.No.512/2016/A2.”

3.Relying upon the aforesaid counter affidavit, learned Government Pleader would submit that since no paper publication has been effected, the respondents undertake to withdraw the impugned tender notification dated 03.04.2018. He further submitted that due to the pendency of the present writ petition, the respondents have not proceeded with the impugned tender notification.

4.In view of the said undertaking given before this Court through the Counter affidavit of the fifth respondent, nothing survives for further adjudication in this writ petition. However, it is made clear that the respondents shall proceed further by inviting fresh tenders for the aforesaid work by following the procedures contemplated under law. If there is any further violation of the Rules, the District Collector, Thanjavur District, is directed to look into the same and take appropriate action.



W.P.(MD) No.8786 of 2018

WEB COPY

5. With the aforesaid liberty, this Writ Petition stands disposed of. There shall be no order as to costs.

[D.K.K., A.C.J.] & [R.V., J.]

26.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MR



WEB COPY



W.P.(MD) No.8786 of 2018

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Project Director,
District Rural Development Agency,
Collectorate,
Thanjavur District.

3.The Commissioner,
Papanasam Panchayat Union,
Papanasam,
Thanjavur District.

4.The Special Officer / Block Development Officer,
(Village Panchayat),
Papanasam Panchayat Union,
Papanasam,
Thanjavur District.



WEB COPY



W.P.(MD) No.8786 of 2018

D.KRISHNAKUMAR, A.C.J.

AND

R.VIJAYAKUMAR, J.

MR

W.P.(MD)No.8786 of 2018

26.07.2024