



W.P.(MD)No.20996 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.20996 of 2024
and
W.M.P.(MD)No.17782 of 2024**

Solaimalai, S/o.Pitchaikannu

... Petitioner

-VS-

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office,
Chennai Metro Rail Administrative Office,
Poonamallee High Road, Koyambedu,
Chennai - 600 107.

2.Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thanjavur Region,
Thanjavur.

3.Kandasamy & Co.,
Door No.2/70, A/6, GSK Complex,
Near Old RDO Office,
Kozhinjipatti,
Andagalur Gate - 637 401,
Rasipuram Taluk,
Namakkal District.

... Respondents



W.P.(MD)No.20996 of 2024

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 second respondent issued in proceedings செ.மு.க.எண்.G3/9394/2023 dated 24.06.2024, quash the same and consequently, direct the respondents 1 and 2 to issue a fresh tender.

For Petitioner : Mr.T.M.Madasamy
For R1 and R2 : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.G.Mohankumar
Standing Counsel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in the Writ Petition reads as follows:-

"To issue a Writ of Certiorarified Mandamus calling for the records of the second respondent issued in proceedings செ.மு.க.எண்.G3/9394/2023 dated 24.06.2024, quash the same and consequently, direct the respondents 1 and 2 to issue a fresh tender."

2. Admittedly, the petitioner was not a participant in the tender process. The third respondent as the L1 tenderer has been awarded the contract



W.P.(MD)No.20996 of 2024

after negotiations. The petitioner now claims that the Thanjavur Taurus Lorry Owners Association, Thanjavur, was performing the same work that has now been granted to the third respondent at a lower price. However, this alone does not provide a valid ground for allowing a person, who did not participate in the tender process to challenge it.

3. The Hon'ble Supreme Court in **Travancore Devaswom Board vs. Ayyappa Spices and others** reported in **2024 SCC OnLine SC 244**, has categorically held that a non-tenderer cannot be allowed to challenge the tender process.

4. In view of the same, we do not find any merit in the Writ Petition. The Writ Petition fails and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
smn2

[R.S.M., J.] [L.V.G., J.]
03.09.2024



W.P.(MD)No.20996 of 2024

To:-

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W.P.(MD)No.20996 of 2024

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and
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