



WP(MD)Nos.5062, 9602 to 9604 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.5062, 9602 to 9604 of 2017

and

WMP(MD)Nos.4078, 7330, 7331, 7332, 7333, 7334, 7335,
11059, 11124, 11125, 12448, 12451 of 2017

WP(MD)No.5062 of 2017:-

T.C.Raj Mohan

.. Petitioner

v.

1.The District Forest Officer,
Sirumalai Idaipadu Kaadugal Kootam,
Dindigul District.

2.Anbu

3.The Principal Chief Conservator of Forests,
Forest Headquarters Building,
Guindy, Chennai.

.. Respondents

[R.3 *suo-motu* impleaded vide order dated 18.03.2024]

PRAYER: Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Certiorarified Mandamus calling for the



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records of the impugned tender notification of the first respondent in Na.Ka.No.978/2016 dated 01.03.2017, served upon the petitioner on 10.03.2017, in respect of Item Nos.8, 10, 11, 12, 17, quash the same and consequently, directing the respondents to issue fresh tender notification by giving sufficient time for participating in the tender in respect of Item Nos.8, 10, 11, 12, 17.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.A.Baskaran,
Additional Government Pleader
for R.1, R.3

Mr.K.Jeyamohan for R.2

WP(MD)No.9602 of 2017:-

T.C.Raj Mohan

.. Petitioner

v.

1.The District Forest Officer,
Sirumalai Idaipadu Kaadugal Kootam,
Dindigul District.

2.S.Chinnasamy

3.Anbu



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4.The Principal Chief Conservator of Forests,
Forest Headquarters Building,
Guindy, Chennai.

.. Respondents

[R.4 *suo-motu* impleaded vide order dated 18.03.2024]

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 16.03.2017 in Na.Ka.No.978/2016 Thi and the consequential order dated 17.04.2017 in Na.Ka.No.978/2016 Thi in respect of Kanakkanpatti Kulam (Item No.11) of the first respondent, quash the same and consequently, directing the first respondent insofar Item No. 11 is concerned to conduct fresh tender.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.A.Baskaran,
Additional Government Pleader
for R.1, R.4

Mr.R.Sundar for R.2

Mr.K.Jeyamohan for R.3



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WP(MD)No.9603 of 2017:-

T.C.Raj Mohan

.. Petitioner

v.

1.The District Forest Officer,
Sirumalai Idaipadu Kaadugal Kootam,
Dindigul District.

2.T.Selvam

3.Anbu

4.The Principal Chief Conservator of Forests,
Forest Headquarters Building,
Guindy, Chennai.

.. Respondents

[R.4 *suo-motu* impleaded vide order dated 18.03.2024]

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 16.03.2017 in Na.Ka.No.978/2016 Thi and the consequential order dated 04.04.2017 in Na.Ka.No.978/2016 Thi in respect of Pappakulam (Item No.8) of the first respondent, quash the same and consequently, directing the first respondent insofar Item No.8 is concerned to conduct fresh tender.



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For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.A.Baskaran,
Additional Government Pleader
for R.1, R.4

Mr.A.Hariharan for R.2

Mr.K.Jeyamohan for R.3

WP(MD)No.9604 of 2017:-

T.C.Raj Mohan

.. Petitioner

v.

1.The District Forest Officer,
Sirumalai Idaipadu Kaadugal Kootam,
Dindigul District.

2.S.Gopalakrishnan

3.Anbu

4.The Principal Chief Conservator of Forests,
Forest Headquarters Building,
Guindy, Chennai.

.. Respondents

[R.4 *suo-motu* impleaded vide order dated 18.03.2024]

PRAYER: Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Certiorarified Mandamus calling for the



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records of the impugned order dated 16.03.2017 in Na.Ka.No.978/2016 Thi in respect of Thethupattikulam (Item No.10), Se.Mu.Aa.2717/16 L dated 21.03.2017 in respect of Kanjanaickanpatti Krisalkulam (Item No.12) and Se.Mu.Aa.2717/16 L dated 21.03.2017 and the consequential order dated 17.04.2017 in Na.Ka.No.978/2016 Thi in respect of Kunnuvarayanankottai - Periyakulam (Item No.17) of the first respondent, quash the same and consequently, directing the first respondent insofar Item Nos.10, 12, 17 are concerned to conduct fresh tender.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.A.Baskaran,
Additional Government Pleader
for R.1, R.4

Mr.A.R.Jeyaruthiran for R.2

Mr.K.Jeyamohan for R.3

COMMON ORDER

The petitioner is a Contractor. He has filed these writ petitions as against the tender notification issued in the year 2017 and the consequent work orders issued in favour of the private respondents.



2.The case of the petitioner is that the tender was notified by the respondent on 01.03.2017 and it was fixed on 14.03.2017. Communication in this regard was made on 08.03.2017, which was received by the petitioner on 10.03.2017. The next two days, ie., 11.03.2017 and 12.03.2017, being Saturday and Sunday, he could not arrange to participate in the tender on 14.03.2017. Within 24 hours, it is humanly not possible to prepare the documents along with deposits and submit the tender document. In order to avoid the competition, such a tactics was adopted.

3.Though the petitioner has made out a *prima facie* case that there is a deliberate violation of Rule 20(2) of the Tender Transparency Rules, the petitioner has approached this Court belatedly, only on 22.05.2017. The tender was awarded to the private respondents and work orders were issued on 04.04.2017. The private respondents have also started cutting trees on 19.04.2017.

4.According to the learned Additional Government Pleader, in some places, the entire trees have been cut down and in some places, 50% of the



trees have been cut down. In view of the interim order granted in one of the writ petitions on 25.05.2017 and the pending litigations, the remaining trees were not cut and removed from the year 2017.

5.Considering this anomaly and in order to give a quietus to the issue, this Court *suo-motu* impleads the Principal Chief Conservator of Forests, Forest Headquarters Building, Guindy, Chennai, as a party to these writ petitions and Mr.A.Baskaran, learned Additional Government Pleader is directed to take notice on behalf of the newly impleaded respondent.

6.The Principal Chief Conservator of Forests is directed to take a call on this issue, either permitting the private respondents to proceed further with the cutting of the remaining trees or going for a fresh auction by providing compensation, if any, to the private respondents. The newly impleaded respondent shall also initiate appropriate departmental proceedings as against the erring officials concerned.



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WEB COPY In fine, all the writ petitions stand disposed of. No costs.

Consequently, all the connected miscellaneous petitions stand closed.

Index : Yes / No **18.03.2024**
NCC : Yes / No
Internet : Yes
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To

- 1.The District Forest Officer,
Sirumalai Idaipadu Kaadugal Kootam,
Dindigul District.
- 2.The Principal Chief Conservator of Forests,
Forest Headquarters Building,
Guindy, Chennai.



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B.PUGALENDHI, J.

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