



W.P(MD)No.22430 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD)No.22430 of 2023

and

W.M.P(MD)Nos.18701, 18703 and 18704 of 2023

G.Vijayakumar

... Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Pudukkottai District.

2.The Block Development Officer
Office of the Block Development Officer,
Karambakudi Block,
Pudukkottai District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records connected with the impugned notice in Na.Ka.No. 2314/2022/thi4 dated Nil.08.2023 on the file of the respondent No.2 and quash the same as illegal, consequently, direct the respondents to issue fresh tender notice in accordance with law within the time stipulated by this court.



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W.P(MD)No.22430 of 2023

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by
Mr.D.Gandhi Raj
Spl. Govt. Pleader (for R1) and
Mrs.Jeyapriya
Govt. Advocate (for R3)

ORDER

This writ petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records connected with the impugned notice in Na.Ka.No.2314/2022/thi4 dated Nil.08.2023 on the file of the second respondent and quash the same as illegal, consequently, direct the respondents to issue fresh tender notice in accordance with law within the time stipulated by this court.

2. Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.

3. According to the petitioner, he is a registered contractor in Karambakudi Taluk. He got several tender works in the State of Tamil Nadu and had completed the said works within the fixed time. While so, the



W.P(MD)No.22430 of 2023

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second respondent has passed the impugned notice for more than 40 works in the Karambakudi Taluk. The second respondent failed to publish the tender notification in the widely circulated newspapers, which is mandatory under Section 9(2) and 9(3) of the Tamil Nadu Transparency in Tender Act, 1998 and Rule 11 of the Tamil Nadu Transparency in Tender Rules, 2000. According to the petitioner, there is no transparency in issuing the impugned tender notification. As per the above said Rules, 15 days time has to be given to upload the tender, however, in the impugned tender notification, the second respondent has given only 7 days time, hence, the same was violated

4. According to the respondents, the writ petition is not maintainable. As per para No.4 of the guidelines in G.O.Ms.No.103, Finance (Salaries) Department, dated 11.04.2022, the Tender Notifications related to Rs.50 lakhs work estimation, has to be published in the newspapers. As per the Tender guidelines, Tenders can be invited through online prior of 7 days by the approval of higher authorities.



W.P(MD)No.22430 of 2023

WEB COPY

5. In view of the above, it is seen that there is no such secrecy in issuance of impugned notice as contended by the learned counsel for the petitioner. There was 10 days from the date of publication inviting tender to till the submission of tender. However, the petitioner has not applied and now he cannot come and urge this Court to stay the work, as if the same has not been done following the Rules. Since the petitioner has not participated in the tender, he cannot raise the said objection. As the petitioner is the registered contractor, he should be well aware of the Rules in publishing the impugned notification, though it has been published in the online. Therefore, this Court is not inclined to grant the relief as sought for by the petitioner. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

30.01.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1. The District Collector,
Office of the District Collector,
Pudukkottai District.



W.P(MD)No.22430 of 2023

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2.The Block Development Officer
Office of the Block Development Officer,
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W.P(MD)No.22430 of 2023

V.BHAVANI SUBBAROYAN, J.

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Writ Petition (MD)No.22430 of 2023

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