



W.P(MD)No.11093 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.11093 of 2017

and

W.M.P(MD)Nos.8507 & 8508 of 2017

MJD Construction & Engineering
Contractors Private Limited,
Represented by its Managing Director,
Janaka Jebangelin,
MJ Bhavan, Kannumamoodu,
Pazhugal Village,
Kanyakumari District.

... Petitioner

Vs.

1.The Special Chief Engineer,
National Highways Circle,
Tirunelveli.

2.S.Thiayarajan

3.Post Master Grade – 1,
Maharaja Nagar – 627 001,
Tirunelveli District.

4.R.Esakkimuthu Selvan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, to call for the records



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pertaining in the impugned order passed by the first respondent in his proceedings dated No.Ma.Sa.Ne.The/2016-17/Va.Tho.A/ dated 13.03.2017 and the consequential impugned order passed by the first respondent in his proceedings T.R.B.19/2016-17/Va.Tho.Aa dated 28.03.2017 awarding work order in favour of the second respondent and quash the same as illegal arbitrary and consequentially direct the first respondent to call for tender afresh in respect of the work, namely, “Nagercoil (NH) Division:- Central Road Fund 2016 – 2017 in the work of Rebuilding of Monday Market-Manavalakuruchi (Via) Mankuzhi road from Km 0/0-5/7 including construction of drain”.

For Petitioner : M/s.C.Bharathi

For Respondents : Mr.Puhazh Gandhi for R.2

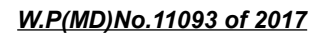
Mr.S.Jeyasingh for R.3

No Appearance for R.1 & R.4

ORDER

The writ petition has been filed challenging the order of rejection of the tender documents filed by the petitioner on the ground that the same received by the Department beyond the time prescribed for submitting the tender.

2. The learned counsel for the petitioner had produced the tracking receipt which evidences that the tender sent by the petitioner through post had been delivered to the first respondent at 14 hrs on 13.03.2017.



3. The counter by the third respondent had been filed as early as on 28.03.2017. However, the counter had been filed by the first respondent stating that the cover had been received from the petitioner through the Department only at 04.00 p.m and that the work was already been handed over to the second respondent he being the successful bidder and an order has been issued to him on 28.03.2017 and as of the filing of the counter affidavit on 07.07.2017, 50% of the work had already been completed.



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4. Considering the averments made by the first respondent's counter, work that has been awarded in tender would have been long back completed. Hence, there would be no useful purpose in adjudicating the present Writ Petition challenging the order impugned rejecting the tender.

5. However, considering the averments made by the third respondent in the counter affidavit which had remain uncontroverted, this Court is of the view that nothing seems to be well in grant of the tender in issue. Injustice had been committed to the petitioner. Hence, the first respondent shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) as compensation to the petitioner and the said amount shall be recovered from the officer who has holding the office at the relevant point of time.

6. With the aforesaid direction to the petitioner, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA



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To

WEB COPY

- 1.The Additional Director of Industries
and Commerce / Managing Director,
Tamilnadu Industrial Co-operative Bank,
Raja Annamalai Puram,
Chennai – 28.
- 2.The Special Officer,
Tamilnadu Industrial Co-operative Bank Limited,
Chennai,
Represented through its Branch Manager,
No.254, Good Shed Street,
Madurai.
- 3.The Assitant Elementary Educational Officer,
Madurai South Circle,
Madurai – 625 001.
- 4.The Secretary,
Nadar Vidhya Salai Middle School,
South Gate,
Madurai.



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K.KUMARESH BABU, J.

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