



W.P.(MD)No.12938 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.12938 of 2017

and

W.M.P(MD)Nos.10018 and 10019 of 2017

N.Kannan,
The Proprietor,
Sri Saraswathi Engineering Work,
Dindigul District.

... Petitioner

Vs.

The Superintending Engineer,
Public Works Department,
Water Resource Development,
Periyar Vaigai Basin Circle,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Letter No.DO1/F.208(A)/2017, dated 07.06.2017 and quash the same and consequently direct the respondent herein to consider the price bid of the petitioner for confirmation of tender in favour of the petitioner in respect of “Rehabilitation and Improvement of Vaigai Dam of Andipatti Taluk of Theni District under Drip – Renewal and Replacement of River Sluice Shutter No.3, 6 & 7 and repairs to spillway gate and Hoisting



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arrangement of spillway gate Nos.1 to 7 at Vaigai Dam in Theni District, under
Drip”.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The present writ petition is filed challenging the order passed by the respondent vide Letter No.DO1/F.208(A)/2017, dated 07.06.2017, whereby the petitioner's application for bid was rejected on the ground that it does not fulfil the conditions set out in the Instruction to Bidders Clause 16.1-16.3, 4.8 and 19.1.

2. The learned Additional Government Pleader for the respondent would submit that nothing survives as far as the prayer sought for in the writ petition is concerned, inasmuch as the contract has already been awarded and also executed by the third party. In any view, he would submit that the petitioner had earlier filed a writ petition in W.P(MD)No.13849 of 2018 to direct the first respondent therein to consider and dispose of the representation of the petitioner, dated 22.06.2018. In the said writ petition, this Court vide order,



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dated 05.04.2024 issued the following direction:

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“15. Considering the fact that the petitioner has made out a prima facie case of irregularity by the third respondent, I direct the first respondent to depute a Senior Officer from the Public Works Department to cause an enquiry by calling for the records and give a report to the first respondent and communicate the same to the petitioner. In case, any irregularity is noticed in awarding of the contract to a third party in the tender process by the third respondent, the petitioner may be allowed to work out his remedy based on the above said report in accordance with law. It is expected that the report will be generated within a period of six months from the date of receipt of a copy of this order and duly communicated to the petitioner.”

3. The learned counsel for the petitioner would submit that pursuant to the above direction of this Court, enquiry has been commenced and it is stated to be pending. The petitioner's only request is that the above enquiry may be concluded as expeditiously as possible, to which, the learned Additional Government Pleader for the respondent would readily agree.

4. Recording the same, the writ petition stands closed. Consequently, connected miscellaneous petitions are closed.

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NCC:yes/no

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Index:yes/no
Internet:yes/no
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To:

The Superintending Engineer,
Public Works Department,
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Madurai.

MOHAMMED SHAFFIQ, J.

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