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Writ Petition No.916 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.916 of 2025
and WMP Nos.1094 & 1097 of 2024**

M/s.Atchaya Associates Groups
Rep.by its Managing Director
Mrs.Jaya Chandra Mohan
D.No.4/129, V.O.C.Nagar
The Nilgiris-643 212.

.... Petitioner

-Vs-

The Municipal Commissioner
Gudalur Municipality
Gudalur, The Nilgiris
Tamil NaDU-643 212.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for records fo the Impugned Letter Na.Ka.No.1849/2022/H1 dated 26.12.2024 by the respondent and to quash the same as illegal and consequently direct the respondent to allow the petitioner to continue with the tender process.



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For Petitioner : Mr.S.Dinuprashanth

For Respondent : Mr.S.Rajesh
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to a letter dated 26.12.2024 in Na.Ka.No.1849/2022/H1 issued by the respondent, Municipal Commissioner, Gudalur Municipality in Nilgiris District and to quash the same and direct the respondent to permit the petitioner to continue with the tender process.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner Firm is involved in the business activity of Solid Waste Management in the District of Nilgiris. They participated in various tenders and had also been awarded contract works. It had been stated that the petitioner participated in a tender relating to selection of Service Provider/Agency /Contractor/Company for Implementation of Solid Waste Management activities in Gudalur (N) Municipality. After the process was completed, the petitioner was selected as the successful bidder. The petitioner had also deposited the security deposit and further an additional security deposit. The petitioner had therefore



complied with all requisite conditions. The contract was also signed between the parties. The work order was also issued to the petitioner.

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3. Thereafter, the impugned notice was issued terminating the contract.

4. I hold that termination must not be done without issuing notice to the petitioner. A show cause notice has to be given to the petitioner and thereafter the explanation of the petitioner will have to be considered. There is also a Clause relating to dispute resolution in the contract. It is mandatory on the part of the respondent to honour the commitment made by the respondent while entering into the contract with the petitioner herein.

5. In the impugned notice, the respondent had stated that a resolution had been passed terminating the contract. The resolution had been passed by third parties to the contract and is not binding on the petitioner herein. Any step taken under the contract will have to be taken only between the petitioner and the respondent and after issuing notice and not otherwise. The impugned notice is therefore set aside. It is quashed. The respondent is directed to permit the petitioner to proceed further with the tender process.



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KP

6.The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.01.2025

Index : Yes/No

NCS : Yes/No

KP

To

The Municipal Commissioner
Gudalur Municipality
Gudalur, The Nilgiris
Tamil NaDU-643 212.

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