



W.P.No.6819 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6819 of 2025
and W.M.P.Nos.7503 & 7505 of 2025

A.R.S.Constructions

Represented by its Managing Partner – Mr.A.Ravi

No.1/321, Sarvoy Pudur Colony

Sarvoy Post, Attur Taluk

Salem District – 636 121.

.. **Petitioner**

Vs.

1.The Superintending Engineer / Public Works Department
Buildings (Constructions and Maintenance) Circle
Salem – 7.

2.The Executive Engineer / Public Works Department
Buildings (Constitutions and Maintenance)
Salem Zone, Salem.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1st respondent to consider the E-tender application submitted by the petitioner on 21.02.2025 vide BID ID No.1255617 without insisting Site Visit Certificate and to finalize the tender process in accordance with law, within a time frame fixed by this Court.



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For the Petitioner : Mr.G.Ilamurugu

For the Respondents : Mr.E.Kumaresan
Additional Advocate General
Assisted by
Mr.S.Senthil Murugan
Special Government Pleader
for RR1 & 2

ORDER

The Writ Petition is filed to consider the E-tender application of the petitioner dated 21.02.2025 vide BID ID.No.1255617, without insisting on site visit certificate, to finalise the tender processes in accordance with law.

2. It is the case of the petitioner that the tender in question was floated on 21.01.2025. Today, i.e., on 25.02.2025 at 3.30 pm is the time for opening the tender. On 19.02.2025 for the purpose of completing the site visit and uploading the site visit certificate, the petitioner approached the respondent -authorities. The petitioner has also taken a photograph being present in the location. The petitioner after taking the picture, when approached the respondent – authorities with his letter, the authorities did not entertain the same, On the same day evening at about 18.18 hours, the petitioner has also e-mailed the request letter.

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Even after that, the authorities did not permit the petitioner to undertake the site visit, despite the petitioner having been running from pillar to post and finally filing this Writ Petition.

3. The learned counsel for the petitioner would submit that the entire exercise is only to exclude the petitioner and such other genuine bidders from participating and is a part of the biased attitude on the part of the respondent – authorities. Even now, the petitioner is ready and willing to make the site visit and if the certificate is granted, it will be uploaded and the petitioner can be included in the tender process.

4. *Per contra*, the learned Additional Advocate General would submit that on 19.02.2025, the petitioner did not approach the respondent. Only on 21.02.2025, the request was made. Immediately thereof, the petitioner was permitted to make the site visit. The petitioner instead of going for the site visit and obtaining the certificate and uploading the same, has not turned up and has filed the Writ Petition. The petitioner has also not moved the Writ Petition atleast one day earlier. Now, the tender itself is being opened at 3.30 pm.



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5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Now, as of 25.02.2025 at 15:36 hours, the tenders are already being opened. It is common knowledge that many bidders were compelled to approach this Court for the site visit certificate. The general allegation is that the same is not readily been permitted to the prospective bidders and the respondents are selective in granting the site visit certificate. Therefore, this Court wherever the bidders are approaching, without adjudicating on the correctness or otherwise of the allegations, when time is there, even by few hours, normally permits the petitioner to immediately undertake the site visit and upload the site visit certificate.

7. In that view of the matter, the petitioner ought to have approached this Court atleast a day before. It can be seen that the tender was floated on 21.01.2025. Even as per the case of the petitioner, he approached very belatedly on 19.02.2025 to have a site visit. The respondents are contesting that they



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received the communication in person only on 21.02.2025 and immediately they made arrangements, but the petitioner did not comply with the inspection and receive the certificate. In any event, normally even if the petitioner had approached one day before, this Court would have directed the authorities to forthwith arrange for site inspection and the certificate should have been uploaded. Now, the time is over, the tenders have already been opened and it is too late in the day for this Court to interfere in favour of the petitioner. Interference cannot be made, as the tender was floated well in advance on 21.01.2025, and the petitioner waited to make even the first request, as per the petitioner, until after office hours on 19.02.2025 at 18:18 hours.

8. For all the aforesaid reasons, this Writ Petition cannot be countenanced and as such is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

25.02.2025

Neutral Citation : No

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To

1.The Superintending Engineer / Public Works Department
Buildings (Constructions and Maintenance) Circle
Salem – 7.

2.The Executive Engineer / Public Works Department
Buildings (Constitutions and Maintenance)
Salem Zone, Salem.



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D.BHARATHA CHAKRAVARTHY, J.

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