



W.P.No.8180 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.8180 of 2025

Kumar

... Petitioner

vs.

1. The District Collector and Inspector of Panchayats,
Salem District, Salem.
2. The Additional Collector/Project Director,
Salem District, Salem.
3. The Assistant Director of Panchayat,
(Panchayat), Salem District, Salem.
4. The Assistant Director of Rural Development,
Salem District, Salem.
5. The Commissioner/Block Development Officer,
Kolathur Panahayat Union,
Kolathur, Mettur Taluk, Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 5th respondent to fix a date for re-tender for the notified 16 works issued by the 5th respondent in Na.ka.No.3282/2024/A2 dated 04.12.2025 by considering the representation of the petitioner dated 12.02.2025.



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For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.M.Rajendiran
Addl.Govt.Pleader

ORDER

By consent of both the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The present writ petition has been filed to direct the 5th respondent to fix a date for re-tender for the notified 16 works issued by the 5th respondent in Na.Ka.No.3282/2024/A2 dated 04.12.2024 by considering the representation of the petitioner dated 12.02.2025.

3. It is the case of the petitioner that he is a proprietor of M.C.M.and Co. and registered contractor with Rural Development Department with the 5th respondent Panchayat Union by doing several works projects for the Government as well as privately respectively. As per Sections 133 and 220 of the Tamil Nadu Panchayat Act, 1994, 5th respondent is having Authority to call for tenders as per the approval of the 1st respondent.



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While so, the 5th respondent has issued a Tender Notification vide his proceedings in Na.ka.No.3282/2024/A2 dated 04.12.2024 inviting bids from the contractors for various works with certain conditions and to complete the same within a short span of 40 days. The above said tender dated 04.12.2024 was issued as per the Resolution passed by the Kolathur Panchayat Union vide No.845(23) dated 09.02.2024 and No.914(24) dated 28.07.2024 for the financial year 2024-2025 with a tender condition of deposit of 2% security deposit on 12.12.2024 before 3.00 p.m. The Kolathur Panchayat Union Office and the contractors shall get the tender from on 13.12.2024 and submit the same on or before 13.12.2024 at 3.00 p.m. and the tenders will be opened at 4.00 p.m.

4. It is the further case of the petitioner that the 5th respondent had postponed the said tender without assigning any further date and called off the tender issued by the 5th respondent dated 04.12.2024 scheduled to be opened on 13.12.2024 vide proceedings of the 5th respondent in Na.Ka.No.3282/2024/A2 dated 09.12.2024. In pursuant to the tender notification issued by the 5th respondent dated 04.12.2024, he prepared and arranged necessary materials for doing the works specified in the tender



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with a legitimate expectation that the tender would be conducted as scheduled on 13.12.2024. But the 5th respondent has postponed the same citing administrative reasons without assigning any valid reason without fixing any further date for conducting the tender for 16 works specified in the tender issued by the 5th respondent dated 04.12.2024.

5. The learned counsel appearing for the petitioner submitted that there is no steps to be taken by the respondents for conducting re-auction for the past 5 months. Therefore, the petitioner has given a representation dated 12.02.2025 to the respondents and the same is not considered till date. Hence, the petitioner has filed the present writ petition.

6. The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner dated 12.02.2025 will be considered by the 5th respondent on merits and in accordance with law, within a time frame stipulated by this Court.

7. Heard the learned counsel appearing on either side and also perused the materials available on records.



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WEB COPY 8. In view of the submissions made by the learned counsel on either side and also taking into consideration that the financial year will be ending on March, 2025, the 5th respondent is directed to consider the representation of the petitioner dated 12.02.2025, on merits, in accordance with law and pass appropriate orders, on or before 28.03.2025.

9. This writ petition stands disposed of with the above direction. No costs.

10.03.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To

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Salem District, Salem.
2. The Additional Collector/Project Director,
Salem District, Salem.
3. The Assistant Director of Panchayat,
(Panchayat), Salem District, Salem.



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J.SATHYA NARAYANA PRASAD, J.

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4. The Assistant Director of Rural Development,
Salem District, Salem.
5. The Commissioner/Block Development Officer,
Kolathur Panahayat Union,
Kolathur, Mettur Taluk, Salem District.

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