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W.P.No.38756 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**Writ Petition No.38756 of 2024
and WMP No.41966 of 2024**

T.Selvam

.... Petitioner

-Vs-

1.The District Collector
Collectorate of Vellore
Vellore District.

2.The Director
Rural Development and Panchayat Raj
Panagal Palace, Chennai 600 009.

3.Project Director
District Rural Development Agency
Sathuvachari, Vellore.

4.Block Development Officer
Regional/Rural Development Office
K.V.Kuppam, Vellore.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the First Respondent to Revoke



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the Recommendation to cancel the Tender Allotted to the petitioner issued by the First Respondent in Na.Ka. Aa 4 /1930/ 2022 dated 02.08.2024 and permit the petitioner to complete the cement pavement works and Road Construction works in Pasumathur and Nagal Panchayat in Vellore District allotted to the petitioner as per order Na.Ka. Aa5 / 2331 / 2023 dated 01.02.2024 by way of e-Tender in Vellore District under the Adi Dravidar Welfare Scheme, Ayodhi Dasa Pandidhar Scheme.

For Petitioner : Mr.A.Pavithra Priyadarshini

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the 1st respondent, District Collector, Vellore to revoke the recommendation given by him to cancel the tender which had been allotted to the petitioner and which tender had been issued by the very same Collector on 02.08.2024 and permit the petitioner to complete the cement pavement works and road construction works in Pasumathur and Nagal Panchayat in Vellore District. The petitioner was also allotted the work by e-tender on 01.2.2024. The work was to be conducted under the Adi Dravidar Welfare Scheme, Ayodhi Dasa Pandidhar Scheme.



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2. In the affidavit in support of the writ petition, the writ petitioner had stated that he is running a construction business called Beemji Enterprise. He had been participating in the Government conducted tenders from April 2023. The 4th respondent, Block Development Officer, Rural Development Office, K.V.Kuppam in Vellore District had published a tender notice for construction of Waste Water Channel and Cement Roads under the Adi Dravidar Welfare Scheme- Ayodhi Dasa Pandidhar Scheme in Pasumaathur, Chennankuppam and Nagal Panchayat, K.V.Kuppam Block. The tender was for a total value of Rs.1,76,00,000/- [Rupees One Crore Seventy Six Lakhs Only]. It had been stated that the petitioner had earlier filed a writ petition since he was not granted the tender and that was WP.No.35110 of 2023.

3. Thereafter a single tender was again issued on 30.01.2024 and the petitioner was allotted with projects in Pasumathur and Nagal Village by allotment letter dated 01.02.2024. The total value of the project was allotted to the petitioner was Rs.33.56 lakhs in Pasumathur Village and Rs.22.84 lakhs in Nagal Village. The petitioner claims that he was restrained from carrying out the construction work by the former President of the Village Panchayat Board. It was also stated that there was also resistance from the local villagers for the



petitioner to commence the work. In effect the petitioner had not commenced any work. The petitioner must realise that as an entrepreneur, he must be extremely fortunate to be granted tender for two works of substantial amount of Rs.33.56 lakhs in Pasumathur Village and Rs.22.84 lakhs in Nagal Village. Before he had participated in the tender, he must also have undertaken a survey of the ground reality and the nature of work he should execute. But after getting the tender, it is clear from the record that he not even commenced the work. He complains about the Village Panchayat he complains about the general public in that area and has complaints about everybody else without realising that he is the person who had been granted the contract and the tender and was responsible for execution of the work. He had been recognised and granted that contract. But after getting the contract if he is to blame everybody and not even commencing the work, then it is evident that he is not fit enough to execute the work for which he had bid and for which the contract had been granted.

4. Additionally, the writ petitioner had challenged an internal communication between the District Collector and the Director, Adi Dravidar and Scheduled Tribe Welfare Board at Chennai. Copy of that particular internal communication was also not served on the writ petitioner. Immediately



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thereafter he had filed the writ petition. According to the learned counsel, the petitioner had obtained a copy under the Right to Information Act. It is stated that on requisition by the petitioner a copy of the same had been given to the petitioner.

5. But the impugned communication was only a recommendation. The writ petition had been filed on 09.12.2024. This communication which is now impugned, was dated 02.08.2024. Records have been produced that subsequent to the said recommendation final orders have been passed cancelling the tender granted in favour of the petitioner on 18.11.2024. This had not been stated in the affidavit filed in support of the writ petition which, had been filed on 09.12.2024 subsequent to the date of cancellation. The learned counsel for the petitioner stated that this final order had not been served on the writ petitioner. But again records speak otherwise. It is seen that it had been despatched to the petitioner on 20.11.2024 and the name of the petitioner is also found as the person who is to receive a copy of that particular order.

6.A presumption can always be drawn that once there is despatch it had been served on the petitioner and received by the petitioner unless the petitioner



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had shifted his residence without intimating the new address to the respondents.

Even otherwise, it is also stated by the learned counsel that the petitioner had been moving from pillar to post in the office of the District Collector and therefore, cannot claim ignorance of the said order cancelling the tender. That particular order had not been challenged before this Court. A recommendation which is an internal communication between two officials cannot be the subject matter of a writ petition. It is only a recommendation. There is no amendment of the prayer sought for to question the cancellation order dated 18.11.2024 passed by the 1st respondent. I do not find any merit in the writ petition.

7.The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
NCS : Yes/No
KP



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To

- 1.The District Collector
Collectorate of Vellore
Vellore District.
- 2.The Director
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Panagal Palace, Chennai 600 009.
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C.V.KARTHIKEYAN.,J
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