



W.P. Nos.39213, 39215
and 39216 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.39213, 39215 and 39216 of 2025

M/s Phoenix & co.,
Represented by its Managing Partner,
Mr.M. Raja

... Petitioner in all W.P.s

vs.

1. The State of Tamilnadu,
Rep. by the Superintending Engineer,
Highways Department,
NABARD and Rural Road Circle,
Salem - 7,
Salem District.

2. The Divisional Engineer,
Highways Department,
NABARD and Rural Roads,
Salem - 7,
Salem District.

... Respondents in all W.P.s

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the 2nd respondent to issue Work Site Inspection Certificate and Working Conditions of the Plants and Machinery Certificate to the petitioner for the e-tender notice issued by the 1st



W.P. Nos.39213, 39215
and 39216 of 2025

respondent vide No.24/2025-2026/SDO dated 17.09.2025 and permit the petitioner in the e-tender dated 17.09.2025 issued by the 1st respondent.

In all W.P.s

For Petitioner : Mr.K. Balu
For Respondents : Mr.P. Kumaresan,
Addl. Advocate General
Asstd. By Ms. S. Anitha
Spl. Govt. Pleader

COMMON ORDER

These writ petitions have been filed seeking direction to the 2nd respondent to issue the Work Site Inspection Certificate and Working Condition of Plants and Machinery Certificate to the petitioner in respect of the e-tender notification issued by the 1st respondent dated 17.09.2025, and consequently accord necessary permission to enable the petitioner to participate in the tender process.

2. It is the case of the petitioner that the Highways Department, Government of Tamil Nadu, vide Tender Notice dated 17.09.2025, invited percentage bids under the two-cover system through online mode for the



W.P. Nos.39213, 39215
and 39216 of 2025

upgradation of Panchayat Union / Panchayat roads to Other District Roads viz., SLM, 6, 7 and 8. As per the tender conditions, the bidders should be registered Class-I Contractors with renewal validity up to March 2026. Further, the tender notice contained certain general as well as specific instructions and clauses governing the eligibility and certain criteria for participation in the tender are mentioned. Whiles, the petitioner submitted four applications to the 2nd respondent on 03.10.2025, seeking issuance of the requisite certificates mentioned above. It is the grievance of the petitioner that except one application, remaining three applications were not processed and the certificates required were not issued by the 2nd respondent. Aggrieved by such inaction, the petitioner has approached this Court by filing these writ petitions seeking appropriate directions.

3. Learned counsel for the petitioner submits that applications seeking to issue Work Site Inspection Certificate and Working Condition of Plants and Machinery Certificate to the petitioner were submitted to the 2nd respondent on 03.10.2025 i.e., before the cut off date, but the respondents have not issued the requisite certificates. He further submit that the last date for submission of e-tender was on 14.10.2025. Except one application, remaining applications



W.P. Nos.39213, 39215
and 39216 of 2025

submitted by the petitioner were not processed and the requisite certificates were not issued. He further submits that so far bid has not been opened.

When such being the position, he prays for issuance of appropriate directions so as to enable them to participate in the tender.

4. Mr.P. Kumaresan, learned Additional Advocate General assisted by Ms.Anitha, learned Special Government Pleader appearing for the respondents submits that the petitioner's applications in respect of three numbers were received by them only after expiry of the scheduled date and time. In support of his submission, he has produced before this Court the proceedings issued by the 2nd respondent. He vehemently argued that the petitioner's applications were received through e-mail on 13.10.2025 only at 4.21 p.m. and immediately on that date itself, the 2nd respondent sent reply mail for not considering the petitioner's applications. He further submits that the conditions stipulated in Clause 9 of tender document has not been followed and the respondents require some time viz., for conducting inspection etc. as the last date for tender closing is 14.10.2025. Therefore, he prays for dismissal of these writ petitions.



W.P. Nos.39213, 39215
and 39216 of 2025

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Though it is the claim of the petitioner that he has sought for the requisite certificate as early as on 3.10.2025, however, there is no material evidencing that such a request was made to the respondents. In the absence of any material to substantiate its stand with regard to seeking for the said certificate, moreso, the petitioner having submitted its request only on 13.10.2025 that too at 4.21 p.m, which is evidenced through the email pointed out by the respondents, the said email cannot be taken to mean that the petitioner has reminded the respondents with regard to the claim for certificate. Therefore, this Court is of the considered view that the petitioner has not only approached this Court belatedly but also approached the respondents at the fag end of the period. On a perusal of tender notification, it is clear that the last date for submission of applications was 06.10.2025, whereas the petitioner, having submitted their applications beyond the time prescribed by the respondents and also approached this Court questioning the tender process, which is highly arbitrary. Further, before issuing the requisite certificates by the respondents concerned, they have to conduct inspection and other



W.P. Nos.39213, 39215
and 39216 of 2025

formalities and some breathing time is required so as to impose upon the respondents to issue the said certificate and the delay which is attributable to the petitioner cannot be the reason for imposing upon the respondents to issue the certificate, that too when the period has already lapsed.

7. For the aforesaid reasons, this Court finds no merit in these writ petitions and the same are liable to be dismissed. Accordingly, the writ petitions stand dismissed. No costs.

15.10.2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To
1. The Superintending Engineer,
State of Tamil Nadu,
Highways Department,
NABARD and Rural Road Circle,
Salem - 7,
Salem District.



WEB COPY



W.P. Nos.39213, 39215
and 39216 of 2025

M. DHANDAPANI, J.

vsi2

2. The Divisional Engineer,
Highways Department,
NABARD and Rural Roads,
Salem - 7,
Salem District.

W.P. Nos.39213, 39215 and 39216 of 2025

15.10.2025