



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 44671 of 2025
& WMP.Nos.49839 & 49840 of 2025**

S.M.Constructions
Rep. by its Proprietor,
S.M.Selvam, Somanahalli Post,
Indoor Via, Nallampalli Taluk,
Dharmapuri District - 636 803.

Petitioner(s)

Vs

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

2.The Divisional Engineer
Highways Department,
Construction and Maintenance Circle,
Dharmapuri, Dharmapuri District.

Respondent(s)

PRAYER



This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st respondent in tender ID 2025-HWAY-611618-1 dated 25.10.2025 and quash the same, consequently direct the 1st respondent to accept the bid of the petitioner in tender ID 2025-HWAY-611618-1.

For Petitioner(s): Mr.K. Balu

For Respondent(s): Mrs.S.Anitha,
Special Government Pleader

ORDER

The writ petition has been filed seeking for a writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the first respondent in tender ID 2025-HWAY-611618-1 dated 25.10.2025 and to quash the same and consequently, direct the first respondent to accept the bid of the petitioner in tender ID 2025-HWAY-611618-1.

2. It is the case of the petitioner that the petitioner is a certified Engineering contractor. The first respondent issued e-tender notice dated 04.09.2025 for Lumpsum (Two Cover System), e-tenders were invited for Special Repairs to Government Roads in Pennagaram (H) (C&M) Sub Division (SLM-118). The tender required bidders to personally inspect the work site and



obtain the Work Site Inspection Certificate and the Working Condition of plants & Machineries Certificate from the second respondent, which were mandatory pre qualification documents. Applications for issuance of these certificate were to be submitted to the second respondent on or before 15.10.2025 upto 17.45 hrs and the certificates has to be issued by the 2nd respondent on or before 22.10.2025 upto 17.45 hrs.

3. It is the further case of the petitioner that the petitioner sent applications dated 11.10.2025 and 13.10.2025 to the 2nd respondent requesting to issue Work Site Inspection Certificate and the Working Condition of plants & Machineries Certificate to the petitioner and the same has not been considered. Therefore, the tender application of the petitioner was rejected by the 2nd respondent vide the impugned order dated 25.10.2025, stating that the bidder has not furnished the eligibility criteria as per Tender Notice. Hence, the petitioner has filed the above said writ petition.

4. The learned counsel for the petitioner would submit that the petitioner



made application for issuance of Work Site Inspection Certificate and the Working Condition of plants & Machineries Certificate to the second respondent before the last date for submitting the same and it is the duty cast upon the Divisional Engineer/second respondent to depute concerned official to inspect the site and after inspection of the site, to issue the required certificates to the petitioner. However, the respondent has not visited the petitioner site and refused to issue the certificates within the prescribed time and on the sole ground, the petitioner's technical bid was rejected, which is not sustainable one and accordingly, prays for appropriate orders.

5. Per contra, the learned Special Government Pleader appearing for the respondents submitted that though the petitioner made an application for issuance of Work Site Inspection Certificate and the Working Condition of plants & Machineries Certificate, the petitioner has not identified the site and machineries to the officials. Unless, the petitioner identifies the site and machineries, the respondents cannot on their own issue certificate mechanically. Hence, she prays for the dismissal of the present writ petition.



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6. Heard the leaned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

7. In the present case, though the petitioner made application for issuance of Work Site Inspection Certificate and the Working Condition of plants & Machineries Certificate, the petitioner was not able to identify the site and machineries to enable the respondents to issue certificate to the petitioner. For not annexing the said certificates, the technical bid submitted by the petitioner was rejected.

8. In view of the above, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

25-11-2025

Tsg

Index: Yes/No

Speaking/Non-speaking order



Internet: Yes

Neutral Citation: Yes/No

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To

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