



W.P(MD)No.8366 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.03.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.8366 of 2025

M/s Vijay Durgambiga Construction,
Rep. by its Managing Partner,
Mr.N.Manor,
4D, Ramalingam Street,
Vannarapettai,
Tirunelveli.

..Petitioner

Vs

1.The Superintendent Engineer,
Office of the Superintendent Engineer,
National Highways, Tirunelveli Circle,
Tirunelveli.

2.The Divisional Engineer, (NH),
National Highways,
Tirunelveli.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 2nd respondent forthwith to issue work site inspection certificate to the petitioner based on his application dated 19.03.2025 enabling him to submit his tender bid as per the Tender Notification in TN.No.07/HDO/NH/2024-2025 and TN.No. 08/HDO/NH/2024-25 dated 07.03.2025 issued by the 1st respondent.



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For Petitioner : Mr.R.Ponkarthikeyan

For Respondents : Mr.S.Shaji Bino
Spl. Govt. Pleader

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the 2nd respondent forthwith to issue a work site inspection certificate to the petitioner based on his application dated 19.03.2025, enabling him to submit his tender bid as per the Tender Notification in TN.No.07/HDO/NH/2024-2025 and TN.No.08/HDO/NH/2024-25 dated 07.03.2025 issued by the 1st respondent.

2. The petitioner is a Class-I contractor with over 20 years of experience. The first respondent called for a tender to widen the road from Tiruchendur – Palayamkottai – Ambasamudram – Tenkasi – Courtallam – Shencottai and for laying a paved shoulder and making improvements at Cheranmahadevi Panagudy Road.

3. As per the tender schedule, the bidders have to bid on or before 26.03.2025 at 03.00 p.m. Bids are to be opened on 27.03.2025. The standard condition under clause No.9 of the tender conditions states that those who



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propose to participate in the tender should produce a work site inspection certificate from the second respondent.

4. The petitioner pleads that along with the tender, the work site inspection certificate has to be uploaded. He states that he approached the second respondent on 17.03.2025 for the purpose of obtaining such a certificate. As the second respondent did not issue the same, he sent a letter seeking the certificate on 19.03.2025. It was sent through registered post with acknowledgement due. The petitioner has produced the acknowledgement card in the typed set of papers. He pleads that for the reasons unknown, the second respondent is not issuing the site inspection certificate. As tomorrow (26.03.2025) is the last date for submission of the tender, he has come forward with this writ petition seeking the direction as aforesaid.

5. When the matter came up for admission, Mr.S.Shaji Bino, learned Special Government Pleader took notice for the respondents.

6. Mr.S.Shaji Bino states that the petitioner, at no point of time, made a request in person for issuing the work site inspection certificate. He adds that it was only by way of a letter on 19.03.2025 that the certificate was sought for,



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and that letter had been received by the second respondent on 21.03.2025 at

04.52 p.m. As per the tender conditions, the application to issue the work site inspection certificate should have been made on or before 20.03.2025 at 05.45 p.m. Since the request was made a day late, Mr.S.Shaji Bino states that work site inspection certificate was not given. Hence, he pleads that the writ petition has to be dismissed.

7. I have carefully considered the submission of both sides.

8. This court is entitled to draw the presumption on natural course of events. The petitioner is a registered contractor with more than 20 years of experience. He is a permanent resident of Vannarapettai in Tirunelveli District. The site inspection was to be done at Vadakku Valliyoor and other places. The petitioner has produced document, which is a GPS Map, to show that he was present in the office of the Divisional Engineer, National Highways, on 21.03.2025 at 04.47 p.m. The letter sent to the second respondent has been sealed and dispatched to the respondents, seeking the work site inspection certificate.

9. Mr.S.Shaji Bino pleads that there is no evidence or oral request made by the petitioner for work site inspection certification.



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10. I am unaware of any procedure, other than a surreptitious recording of the conversation between the petitioner and the respondents, by which, the petitioner can prove that he had, in fact, made a request for a certificate on the day of inspection. It has been noticed by this court that the work site inspection certificates are not issued by the issuing authority on a regular basis in order to strangle the participants in a tender issued by the Government. This forces them to approach this court. The purpose of issuing tender is to encourage competition amongst the participants and not to prevent the participation. The respondents 1 and 2 are dealing with State largesse and not with their personal funds for them to pick and choose the contractors to whom they want to give tenders. If the petitioner is not given work site inspection certificate, he will be obviously not entitled to participate in the tender. It seems to be a new device invented with the aforesaid intention in mind.

11. I can presume certain facts. The person who has caused inspection would obviously make a demand for the certificate immediately, especially, since he has 20 years of experience in the field. Frustrated that the oral demand had not been meted out, he had sent a letter by registered post.



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12. The respondents are not entitled to take advantage of the same.

Hence, there shall be a direction to the second respondent to issue work site inspection certificate to the petitioner.

13. This writ petition is disposed of. No costs.

14. Post the matter on 26.03.2025, for reporting compliance.

25.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

1. The Superintendent Engineer,
Office of the Superintendent Engineer,
National Highways, Tirunelveli Circle,
Tirunelveli.

2. The Divisional Engineer, (NH),
National Highways,
Tirunelveli.



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V.LAKSHMINARAYANAN, J.

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