



W.P.(MD)Nos.15468 to 15472 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)Nos.15468 to 15472 of 2025

and

**W.M.P.(MD)Nos.11687, 11689, 11695, 11697, 11727, 11728, 11703, 11704,
11693 and 11696 of 2025**

M/s.Megala Construction,
Rep. by Managing Partner, P.V.Mathivanan,
Having Office at No.74, Neerpalani Post,
Viralimalai Taluk, Pudukkottai District.

... Petitioner in all the W.Ps.

-VS-

1.The District Collector / Chairman,
District Rural Development Agency,
Pudukkottai District.

2.The Project Director / Additional Collector (Development),
District Rural Development Agency, Pudukkottai. ... Respondents 1 and 2
in all the W.Ps.

3.M/s.KRN and Co.,
663, Trichy Pudukkottai Road,
Muthudayanpatti, Pudukkottai District.

... 3rd Respondent
in W.P.(MD)No.15468/2025

4.V.Chandran

.... 3rd Respondent
in W.P.(MD)No.15469/2025



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5.MPS. Pari Construction,
Rep. by Managing Director,
Pon Parivallal,
H-16, Poonga Nagar,
Rajagopalapuram Post,
Pudukkottai District.

.... 3rd Respondent
in W.P.(MD)No.15470/2025

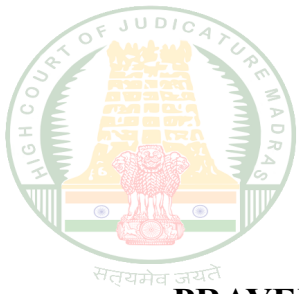
6.M/s.CSB Construction,
Rep. by Managing Director,
C.Boopathi,
No.1421-A, Fathima Nagar,
Illupur Taluk, Pudukottai District.

..... 3rd Respondent
in W.P.(MD)No.15471/2025

7.M/s.Sree Amman Logistics,
M-65, Upstair,
Rajagopalapuram,
Pudukottai District.

..... 3rd Respondent
in W.P.(MD)No.15472/2025

PRAYER in W.P.(MD)Nos.15468 to 15470 and 15472 of 2025: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to rejection of the petitioner's bid passed by the first respondent on 04.04.2025 without stating any reasons for rejection and quash the same as illegal and arbitrary and therefor to direct the selection of the third respondent as L1 (Successful tenderer) as non existence and in consequence thereof to direct the petitioner as eligible to be considered for the tender process.



W.P.(MD)Nos.15468 to 15472 of 2025

PRAYER in W.P.(MD)No.15471 of 2025: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus,

(a) to call for the records relating to rejection of the petitioner's bid passed by the first respondent on 04.04.2025 as rejected without stating any reason and quash the same as illegal in consequence thereof to declare the petitioner as eligible to be considered for the tender process; and

(b) to call for the records of the first respondent's order dated 04.04.2025, declaring the third respondent as L1 (successful bidder) and quash the same as illegal and arbitrary and in consequence thereof to declare the petitioner as successful bidder in the tender ID:2025_RDTN_530237_1, held on 27.03.2025.

For Petitioner in all the W.Ps. : Mr.P.Ganapathi Subramanian

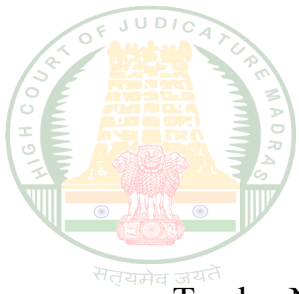
For R1 and R2 in all the W.Ps. : Mr.Ajmalkhan
Additional Advocate General
Assisted by
Mr.K.R.Badurus Zaman
Government Advocate

For R3 in all the W.Ps. : Mr.M.Rajarajan

COMMON ORDER

By this common order, all the five Writ Petitions are being disposed of.

2. These Writ Petitions have been filed by the same petitioner, who participated in the tender process initiated by the respondents pursuant to the

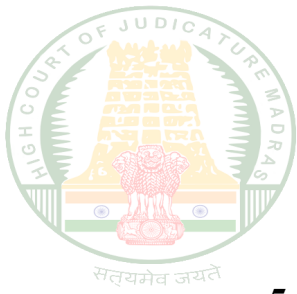


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Tender Notifications dated 15.03.2025, 04.03.2025, 15.03.2025, 04.03.2025 and 02.03.2025. The last date for submitting bids under the said Notification was 25.03.2025, 27.03.2025, 25.03.2025, 27.03.2025 and 12.03.2025. The petitioner submitted his bids, but they were rejected on 04.04.2025. Aggrieved by the rejection, the petitioner approached this Court by filing the present Writ Petitions on 16.04.2025. However, the petitioner failed to pursue them diligently thereafter. In the meantime, the respondents awarded the contract to the L1 bidder.

3. Mr.Ajmalkhan, learned Additional Advocate General, on instructions, submits that, with respect to the road stretch covered under W.P.(MD) No.15468 of 2025, the contractor has completed the work on 05.04.2025.

4. It is further submitted that in respect of the remaining road works, which are the subject matter of the other Writ Petitions, approximately 80% of the work has been completed. It is contended that these Writ Petitions are liable to be dismissed on the ground of availability of an alternate remedy under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998, read with the Tamil Nadu Transparency in Tenders Rules, 2000 and the Tamil Nadu Transparency in Tenders (Public Private Partnership Procurement) Rules, 2012.



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5. In support of this contention, reliance is placed on the decision of the Division Bench of this Court in **W.A.(MD)Nos.355 to 361 of 2018**, dated **07.03.2018 (M/s.Dharani Hi-Tech Projects Pvt. Ltd. vs. The District Collector / Chairman and others)**, where reference was made to several decisions of the Hon'ble Supreme Court.

6. The learned Additional Advocate General has also drawn the attention of this Court to the judgment of the Hon'ble Supreme Court in *Tata Motors Limited vs. Brihan Mumbai Electric Supply and Transport Undertaking (BEST) and others*, reported in (2023) 19 SCC 1.

7. I have considered the submissions made by the learned counsel for the petitioner, the learned Additional Advocate General and the learned counsel for the third respondent.

8. Though these Writ Petitions were filed promptly after the rejection of the petitioner's bid, they were not pursued thereafter and were left to become infructuous. In the meantime, the contracts have been awarded, work has



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commenced and in some cases, the work has completed. Therefore, as on the date of hearing, the cause of action no longer survives and these Writ Petitions are liable to be dismissed as having become infructuous. However, the petitioner is at liberty to approach the appellate authority under Section 11 of the Tamil Nadu Transparency in Tenders Act, 1998, for appropriate relief, or to approach the Civil Court for compensation, if so advised.

9. It is also observed that there are prima facie indications that the technical bid and price bid may have been evaluated on the same day. While it is the contention of the learned Additional Advocate General that the technical bid was evaluated on 27.03.2025. This is a matter which warrants detailed consideration before the competent appellate authority under Section 11 of the Act.

10. Accordingly, the Writ Petitions are dismissed, with liberty to the petitioner to file an appeal under Section 11 of the said Act. It is made clear that such an appeal shall be filed within a period of 10 days from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.



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NCC : Yes / No

Index : Yes / No

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To:-

10.06.2025

- 1.The District Collector / Chairman,
District Rural Development Agency,
Pudukkottai District.
- 2.The Project Director / Additional Collector (Development),
District Rural Development Agency, Pudukkottai.



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W.P.(MD)Nos.15468 to 15472 of 2025

C.SARAVANAN, J.

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Common order in
W.P.(MD)Nos.15468 to 15472 of 2025

10.06.2025