



W.P.(MD)No.12043 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12043 of 2025

and WMP (MD) No.8862 of 2025

V.R.Swaminathan

: Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Block Development Officer,
(Block Panchayat),
Papanasam Panchayat Union,
Thanjavur District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned tender cancellation notice vide proceedings in Na.Ka.No. 3999/2024/A5 dated 16.04.2025 on the file of the 2nd respondent, quash the same as illegal and consequently direct the 2nd respondent to award contract to the petitioner with respect to works mentioned in tender notification in proceedings Na.Ka.No. 3199/2024/A5 dated 27.03.2025, within the time frame as fixed by this Court.



WEB COPY



W.P.(MD)No.12043 of 2025

For Petitioner : Mr. A.N.Ramanathan

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader for R2

Mr.C.Venkatesh Kumar

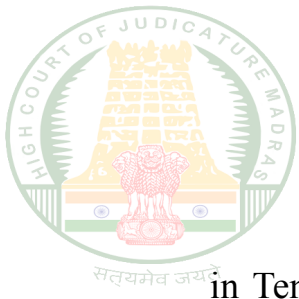
Spl. Government Pleader for R1

ORDER

This Writ Petition has been filed challenging the cancellation of the tender notification dated 16.04.2025 and for a consequential direction to the second respondent to award contract to the petitioner with respect to works mentioned in tender notification in proceedings Na.Ka.No.3199/ 2024/A5, dated 27.03.2025.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submitted that the tender notification was cancelled on the ground that no competitor had submitted a bid in response to it and further contended that no such ground for cancellation is provided under the Tamil Nadu Transparency



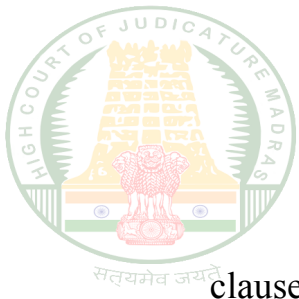
W.P.(MD)No.12043 of 2025

WEB COPY

in Tenders Act and Rules, 1998. The grievance of the petitioner is that the tender, which was scheduled to be opened on 23.01.2025, was adjourned without specifying a new date. The petitioner further alleges that, in violation of the procedure mandated under the Tamil Nadu Transparency in Tenders Act and Rules, 1998, the contract was awarded to a third party, thereby preventing him from participating in the tender process.

4. Per contra, the learned Special Government Pleader appearing on behalf of the respondents, while refuting the allegations raised by the petitioner, submitted that the authorities have the power to cancel the tender notification, as such a power is expressly provided in one of the clauses of the notification itself. He further submitted that a recent judgment of the Hon'ble Supreme Court in Principal Chief Conservator of Forest & Others v. Suresh Mathew & Ors., [2025 INSC 569], dated 25.04.2025, has addressed an identical issue.

5. A perusal of the above judgment dated 25.04.2025 reveals that the bidding authority reserves the right to modify or cancel the bids without assigning any reason. Furthermore, if the notification contains a



W.P.(MD)No.12043 of 2025

WEB COPY

clause stating that the authority reserves the right to reject the tender without assigning any reason, the decision taken by the authorities cannot be construed as *mala fide* or as one made to favour any particular individual.

6. In the light of the above observations, the cancellation of the tender process by the respondent authority, in the absence of any concrete material to establish *mala fide* or arbitrariness, cannot be interfered with by this Court and accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

28.04.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.12043 of 2025

WEB COPY

To

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Block Development Officer,
(Block Panchayat),
Papanasam Panchayat Union,
Thanjavur District.



WEB COPY



W.P.(MD)No.12043 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.12043 of 2025

28.04.2025