



W.P.(MD).No.13163 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

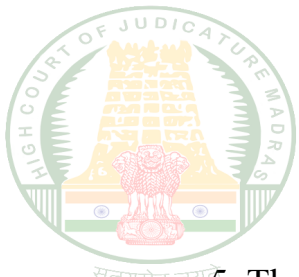
W.P.(MD)No.13163 of 2025
and W.M.P.(MD)Nos.9404, 9400 and 9406 of 2025

A.Sheik Hussian

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai.
2. The Director,
Office of the Directorate of
Municipal Administration,
No.75, Urban Administration Building,
Santhome High Road,
Raja Annamalaipuram,
Chennai – 28.
3. The District Collector,
Ramanathapuram,
Ramanathapuram District.
4. The Regional Director,
Municipal Administration and
Water Supply Department,
Madurai.



W.P.(MD).No.13163 of 2025

5. The Commissioner,
Keelakarai Municipality,
Ramanathapuram District.

6. N.Kathiravan

7. C.Palani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned work order issued by the 5th respondent in RoC No. 50/2024/E1 dated 13.11.2024 to the 6th respondent and impugned work order issued by the 5th respondent in RoC.No. 817/2024/E1 dated 21.03.2025 to the 7th respondent and quash the same as illegal and consequentially to direct the 5th respondent to conduct fresh tender by adhering to the provisions of Tamil Nadu Transparency in Tender Act 1998 and the Rules 2000 made thereunder for the execution of the works by the competitive and bonafide tenderers within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran

For Respondents : Mr.J.K.Jayaselan

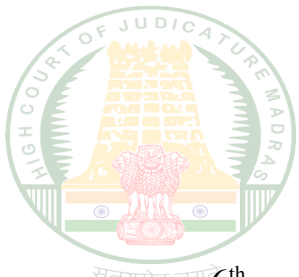
Govt. Advocate (R1 to R4)

Mr.K.Saravanan,

Govt. Advocate (R5)

ORDER

This writ petition has been filed challenging the impugned work order issued by the 5th respondent in RoC No. 50/2024/E1 dated 13.11.2024 to the



W.P.(MD).No.13163 of 2025

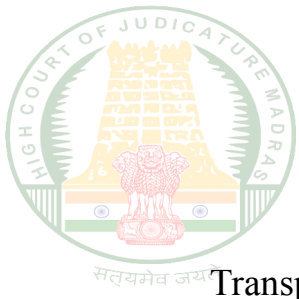
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6th respondent and impugned work order issued by the 5th respondent in RoC.No. 817/2024/E1 dated 21.03.2025 to the 7th respondent and consequentially to direct the 5th respondent to conduct fresh tender by adhering to the provisions of Tamil Nadu Transparency in Tender Act 1998 and the Rules 2000 made thereunder for the execution of the works by the competitive and bonafide tenderers within the period that may be stipulated by this Court.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself. Considering the nature of the order going to be passed in this writ petition, notice to the private respondents is dispensed with.

3. The grievance of the petitioner is that the tender conducted was suspicious, which is in violation of the procedure mandated under the Tamil Nadu Transparency in Tenders Act and Rules, 1998, and hence, a fresh tender may be conducted.

4. Per contra, the learned Government Advocate appearing on behalf of the official respondents, while refuting the allegations raised by the petitioner, submitted that the tender has been conducted as per the Tamil Nadu



W.P.(MD).No.13163 of 2025

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Transparency in Tenders Act and Rules, 1998 and the successful tenderer has already been confirmed and the process of tender is now over. He also relied upon 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, wherein it has held that accepting or rejecting a bid, it is merely performing an executive function. The correctness of its conclusion is not open to judicial review.

5. In view of the above, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.04.2025

NCC : Yes/No
Index : Yes / No
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W.P.(MD).No.13163 of 2025

WEB COPY

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W.P.(MD).No.13163 of 2025

VIVEK KUMAR SINGH, J.

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Order made in
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29.04.2025