



W.P(MD)No.14076 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.05.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P(MD)No.14076 of 2025

and

W.M.P(MD)Nos.10200 & 10201 of 2025

P.Savarimuthu

... Petitioner

Vs

1.The General Manager,
Dindigul District Co-operative Milk
Producers Union Limited,
No.9, East Govindapuram,
Dindigul – 624 001.

2.The Deputy Registrar,
Dindigul District Co-operative Milk
Producers Union Limited,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the first respondent in proceedings No.nil, dated 02.05.2025 and quash the same as illegal and consequently direct the respondents to finalize the tender notification dated 12.03.2025 issued by the first respondent within the time stipulated by this Court.



WEB COPY



W.P(MD)No.14076 of 2025

For Petitioner : Mr.E.Mareeskumar

For R – 1 : Mr.K.Prabhu
Standing Counsel

For R – 2 : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

Mr.K.Prabhu, learned standing counsel takes notice on behalf of the first respondent and Mr.K.S.Selva Ganesan, learned Additional Government Pleader takes notice on behalf of the second respondent.

2. Heard the learned counsel appearing for the petitioner, the learned standing counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the respondents.

3. The petitioner challenges the order dated 02.05.2025 issued by the first respondent by which the entire tender process was recalled.



W.P(MD)No.14076 of 2025

WEB COPY

4. The grievance of the petitioner is that the petitioner was the successful bidder in the tender process. He had also participated in further negotiations and all committee members accepted to the negotiated amount offered by the petitioner. However, all of a sudden, without any prior notice to the petitioner, the impugned order came to be passed. Hence the petitioner has challenged the same on the ground of violation of principles of natural justice.

5. The learned standing counsel appearing for the Co-operative Milk Producers Union would submit that the first respondent may be directed to give an opportunity to the petitioner and other stake holders and pass fresh orders regarding the dropping of the tender notification.

6. The learned counsel for the petitioner also relies on the decisions of the *Orissa High Court in Gangadhar Jena Vs. State of Odisha and others [2017 SCC Online Ori 611]* as well as the Hon'ble Supreme Court in the *State of Uttar Pradesh Vs. Sudhir Kumar Singh and others [(2021) 19 SCC 706]*.



W.P(MD)No.14076 of 2025

WEB COPY

7. In ***Gangadhar Jena's case***, the Division Bench of the Orissa High Court in the similar circumstances held that such arbitrary exercise cannot be under law of contracts and set aside the impugned action of the respondents in recalling the tender.

8. In ***State of Uttar Pradesh's case***, the Hon'ble Supreme Court has held that when prejudice is shown and there is violation of principles of natural justice, then the principle of *audi alteram partem* would come into play and the aggrieved party would be entitled to hearing before the impugned order came to be passed.

9. In the light of the above, I am inclined to set aside the impugned order dated 02.05.2025 issued by the first respondent and remit the matter to the first respondent for fresh consideration. The first respondent shall, after giving an opportunity to the petitioner and other stake holders and also keeping in mind the recommendations of the committee members, pass a considered order, in accordance with law. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P(MD)No.14076 of 2025

WEB COPY

10. The writ petition is allowed with the above observations and directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

08.05.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

1.The General Manager,
Dindigul District Co-operative Milk
Producers Union Limited,
No.9, East Govindapuram,
Dindigul – 624 001.

2.The Deputy Registrar,
Dindigul District Co-operative Milk
Producers Union Limited,
Dindigul.



WEB COPY



W.P(MD)No.14076 of 2025

P.B.BALAJI, J.

ps

Order made in
W.P(MD)No.14076 of 2025

08.05.2025