



W.P.(MD) No.15150 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

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THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.15150 of 2025

and

W.M.P.(MD) Nos.11407 and 16789 of 2025

K.Maruthu

... Petitioner

Vs.

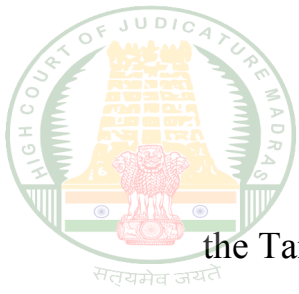
1.The District Collector,
Sivagangai District.

2.The Block Development Officer,
Ilayankudi Panchayat Union,
Sivagangai District.

3.Tamilarasan
(R3 has been impleaded vide order
dated 18.08.2025)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring the entire tender process pursuant to the administrative sanction order issued by the first respondent dated 22.04.2025 in respect of the second respondent panchayat union as illegal and direct the second respondent to issue fresh tender notice and to proceed by following the procedure contemplated in



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the Tamil Nadu Transparency in Tenders Act, 1998 and in the Tamil Nadu Transparency in Tenders Rules, 2000.

For Petitioner : Mr.V.Panneer Selvam
For R1 : Mr.C.Satheesh
Government Advocate
For R2 : Mr.M.Gangatharan
Government Advocate
For R3 : Mr.S.Ramsundar Vijayraj

ORDER

Heard the learned counsel for the petitioner, learned Government Advocates for the respondents 1 & 2 and the learned counsel for the third respondent, who has been impleaded today.

2.The petitioner has filed this writ petition for a Writ of Declaration to declare the entire tender process pursuant to the administrative sanction order of the first respondent, dated 22.04.2025, in respect of Ilayankudi Panchayat Union as illegal and to direct the second respondent to issue a fresh tender notice, by following the procedure contemplated under the provisions of the Tamil Nadu Transparency in Tenders Act, 1998 (*herein after referred to as Act*) and the Rules made thereunder.



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3.The case of the petitioner is that without following the procedure prescribed under the Act and the Rules made thereunder, the first respondent has issued a tender administrative sanction order on 22.04.2025 in respect of several items.

4.As far as the petitioner is concerned, the petitioner is aggrieved by serial Nos.8 to 17 of the administrative sanction order of the first respondent. It is an admitted position that no bulletin was published as is contemplated under the Act and the Rules made thereunder.

5.The learned counsel for the third respondent, on the other hand, would submit that on 09.05.2025, the work order has been issued to the third respondent. However, the work has not been proceeded with, in view of the pendency of the present writ petition.

6.It is noticed that the Court has already dealt with the similar situation under the provisions of the Act and the Rules made thereunder and a detailed order has been passed in W.P.(MD) No.21657 of 2025 (*S.Kalyanasundaram Vs. The District Collector and others*), dated 06.08.2025.



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WEB COPY 7.Relevant paras from the said decision are extracted herein below:-

“10.I have considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

11.Section 9 of the Act deals with the functions of the Tender Inviting Authority, namely, the third respondent in the present case. As the Tender Inviting Authority, it is the statutory duty of the third respondent to invite tenders through a notice containing such particulars as may be prescribed. These particulars are detailed under the Tamil Nadu Transparency in Tenders Rules, 2000.

12.As per Sub-section (2) of Section 9 of the Act, the Tender Inviting Authority is required to communicate the notice inviting tenders to the Bulletin Officer, based on the value of the procurement and within the time prescribed, to facilitate its publication in the appropriate Tender Bulletin. Admittedly, in the present case, no such publication was made in the Tender Bulletin.

13.Sub-section (3) of Section 9 of the Act, further mandates the Tender Inviting Authority to host the notice inviting tenders on the web portals as may be notified by the Government from time to time and to publish the same in daily newspapers having wide circulation, depending on the value of the procurement, as may be prescribed under the Rules.

14.Further, Sub-section (3-A) of Section 9 of the Act, stipulates that the Tender Inviting Authority shall also ensure that the notice inviting tenders is hosted on the dedicated website administered by the State Tender Bulletin Officer.

15.Sub-section (4) of Section 9 of the Act, provides that the Tender Inviting Authority shall supply the schedule of rates and tender documents, in such manner and at such places as



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may be prescribed, to every intending tenderer who applies for the same.

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16. For ease of reference, Section 9 of the Act reads as under:-

"9. Functions of the Tender Inviting Authority.- (1) The Tender Inviting Authority shall invite tenders in the form of a notice containing such particulars as may be prescribed.

(2) The Tender Inviting Authority shall communicate the Notice Inviting Tenders to the Bulletin Officers according to the value of the procurement and within such time as may be prescribed, so as to publish the same in the appropriate Tender Bulletin.

(3) The Tender Inviting Authority shall also,-

(a) host the notice inviting tenders in the web-portals as may be specified by the Government, by notification, from time to time; and

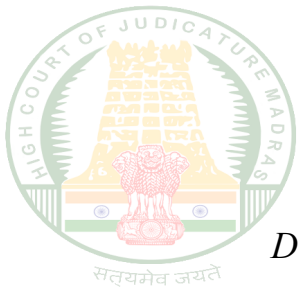
(b) publish the notice inviting tenders in daily newspapers having wide circulation depending upon the value of the procurement as may be prescribed.

(3-A) The Tender Inviting Authority shall also cause the Notice Inviting Tender hosted in the dedicated website administered by the State Tender Bulletin Officer.

4. The Tender Inviting Authority shall supply the schedule of rates and tender documents in such manner and in such places as may be prescribed to every intending tenderer who has applied for such document."

17. In order to give effect to the statutory mandate under Section 9 of the Act, Rule 5 of the Tamil Nadu Transparency in Tenders Rules, 2000 has been framed. Rule 5 provides for the publication of District and State Tender Bulletins through electronic mode.

18. As per Rule 5(1) of the Rules, the District Tender Bulletin is required to be published in electronic mode by the



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District Bulletin Officer at least once in a week.

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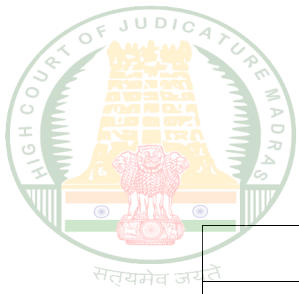
19.As per Rule 5(2) of the Rules, the State Tender Bulletin shall likewise be published electronically by the State Tender Bulletin Officer, also at least once in every week.

20.Rule 5(3) of the Rules further stipulates that the State Tender Bulletin Officer shall ensure publication of all notices inviting tenders and intimations of acceptance of tenders that are received up to twenty-four hours prior to the actual publication of the bulletin.

21.Further, Rule 5(4) of the Rules provides for the issuance of an extraordinary issue of the tender bulletin, where urgent publication is required. In such cases, the Secretary to Government of the concerned administrative department (for the State Tender Bulletin) or the District Collector (for the District Tender Bulletin) may, for reasons to be recorded in writing, direct the respective Bulletin Officer to publish the same.

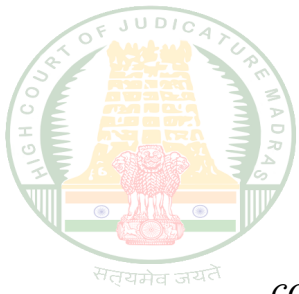
22.Rule 6 of the Rules deals with the distribution of Tender Bulletins, detailing how and to whom the published bulletins are to be made available.

23. For ready reference, Rules 5 and 6 of the Rules are reproduced below:-



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Rule 5	Rule 6
5. Publication of Tender Bulletin.- (1) <i>The District Tender Bulletin shall be published by electronic mode by the District Tender Bulletin Officer at least once in every week.</i> (2) <i>The State Tender Bulletin shall be published by electronic mode by the State Tender Bulletin Officer at least once in every week.</i> (3) <i>The Tender Bulletin Officer shall cause to be published all Notices Inviting Tenders and intimations of acceptance of tenders received upto twenty four hours prior to the actual publication of the bulletin.</i> (4) <i>In case a Notice Inviting Tender or information relating to acceptance of the tender needs to be published urgently, then the Secretary to Government of the concerned administrative department in the case of the State Tender Bulletin or the District Collector in the case of the District Tender Bulletin can for reasons to be recorded in writing, direct the respective Tender Bulletin Officers to publish an extraordinary issue of the Tender Bulletin.</i>	6. Distribution of Tender Bulletins.- (1) <i>The Tender Bulletin Officer shall deliver the Tender Bulletin to the registered subscribers by e-mail and publish tender bulletins in the dedicated website administered by the State Tender Bulletin Officer for viewing or downloading by tenderers or any person subscribing to Tender Bulletins.</i> (2) ... (3) <i>Any person or institution can be enrolled as a regular subscriber to the tender bulletin on payment of a fixed fee annually, half-yearly or quarterly, as the case may be.</i>



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24. There are further procedural requirements contemplated under Rules 7 and 8 of the Rules. For clarity and completeness, Rules 7 and 8 of the said Rules are reproduced as under:-

Rule 7	Rule 8
7. Tender Bulletin to contain information only.- (1) The tender bulletin shall contain only information of the Notice Inviting Tenders and the orders accepting a tender and does not in itself create a legal right or liability. (2) A Notice Inviting Tender will not be invalidated merely on the grounds that the notice although published in newspapers has not been published in one or the other of the District Tender Bulletins or State Tender Bulletins or when published in the State Tender Bulletin could not be published in a District Tender Bulletin or vice versa.	8. Information to be published in the District Tender Bulletin.- Subject to the provisions of rule 10, Notices Inviting Tenders and decisions on tenders in all cases where the value of the procurement exceeds rupees ten lakhs and is below rupees twenty five lakhs shall be published in the District Tender Bulletin of the district where the headquarters of the Tender Inviting Authority is located and in the district where the work is to be executed or the goods and services supplied.

25. The requirement for publication of the notice inviting tenders in newspapers is contemplated under Rule 11 of the Rules. In this regard, reliance is placed on the above-mentioned G.O.Ms.No.207, Finance (Salaries) Department, dated 26.06.2018, by which the Tender Inviting Authority has been exempted from issuing newspaper publications in cases where the value of the contract is below Rs.10,00,000/-.

26. For ease of reference, Rule 11 of the said Rules is reproduced as under:-



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"11. Publication of Notice Inviting Tenders in Newspapers. (1)

(2) The Tender Inviting Authority shall have the Notice Inviting Tenders published in daily newspapers. The number, editions and language of the newspapers in which the Notice Inviting Tenders shall be published will be based on the value of procurement as specified in the Annexure.

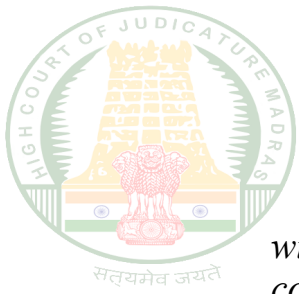
(3) In cases where publication of Tender Notices is to be done only in Newspapers with circulation within the District, the Information and Public Relations Officer attached to the District Collectorate shall be the competent authority to release the advertisement and in all other cases the competent authority to release the advertisement shall be the Director of Information and Public Relations, Chennai.

(4) The Notice Inviting Tender shall be given due publicity in Newspapers. The Director of Information and Public Relations will publish the Notice Inviting Tenders as per instructions of the Procuring Entity."

27. Even if newspaper publication is dispensed with in view of Rule 11 of the Rules, read with the Annexure inserted by G.O.Ms.No.207, Finance (Salaries) Department, dated 26.06.2018, the third respondent, as the Tender Inviting Authority, is nevertheless bound to comply with the mandatory procedures contemplated under Section 9 of the Act and Rules 5 to 7 of the said Rules.

28. In the present case, it is admitted that the procedure contemplated under the above-stated provisions of the Act and Rules has not been followed. Therefore, the impugned Tender Notification dated 18.07.2025, is liable to be quashed and all tenders that have been confirmed pursuant thereto on 06.08.2025 stand set aside.

29. The respondents are hereby directed to issue a fresh Tender Notification, strictly in compliance with Section 9 of the Tamil Nadu Transparency in Tenders Act, 1998, read with Rules 5 to 7 of the Tamil Nadu Transparency in Tenders Rules, 2000,



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within a period of thirty (30) days from the date of receipt of a copy of this order.

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30.The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.”

8.Since there is no compliance with the provisions of the Act, the Writ Petition has to be allowed and is accordingly, allowed with the consequential direction to the second respondent to issue a fresh Tender Notification pursuant to the aforesaid administrative sanction order, dated 22.04.2025.

9.The Earnest Money Deposit that has been paid by the third respondent may be refunded to the third respondent, in case, the third respondent does not want to participate in the future tender. In case, the third respondent decides to participate in the ensuing tender, the amount may be retained and adjusted it towards the Earnest Money Deposit payable in the fresh Tender Notification to be issued by the second respondent.

10.The second respondent shall proceed to issue the Tender Notification as early as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.



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WEB COPY 11.No costs. Consequently, connected Miscellaneous Petitions are closed.

18.08.2025

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To

- 1.The District Collector,
Sivagangai District.
- 2.The Block Development Officer,
Ilayankudi Panchayat Union,
Sivagangai District.



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C.SARAVANAN, J.

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