



W.P.(MD) Nos.15667 & 15668 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) Nos.15667 & 15668 of 2025
and
W.M.P.(MD) Nos.11900 & 11901 of 2025**

A.Pandian

... Petitioner in both
W.Ps

Vs

1. The Secretary,
Public Works Department,
Secretariat,
Chennai 600 009.

2. The Superintending Engineer,
Water Resource Department,
Vaipparu Basin Circle,
Virudhunagar District.

3. Executive Engineer,
Water Resource Department,
Vaipparu Basin Division,
Virudhunagar District.

... Respondents in both
W.Ps

PRAYER in W.P.(MD) No.15667 of 2025: Writ Petition filed under Article 226



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of the Constitution of India for issuance of Writ of Mandamus to direct the third respondent to issue the petitioner's spot Inspection Certificate by considering the petitioner's representation, dated 04.06.2025 in respect of two works rehabilitation of Kalaiyarkurichi Tank in Kalayarkurichi Village of Virudhunagar Taluk in Virudhunagar District and rehabilitation of Thiruththangal Tank in Thiruththangal Village of Sivakasi Taluk in Virudhunagar District and also permit the petitioner to participate in the tender issued by the second respondent in Ref.No.2/VBC/C.TN/25-26 dated 13.05.2025.

Prayer in W.P.(MD) No.15668 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the third respondent to issue the petitioner's spot Inspection Certificate by considering the petitioner's representation, dated 04.06.2025 in respect of two works rehabilitation of Vidathaikulam Tank in Vidathaikulam Village of Thiruchuli Taluk in Virudhunagar District and rehabilitation of Narikudi Tank in Narikudi village of Thiruchuli Taluk in Virudhunagar District and also permit the petitioner to participate in the tender issued by the second respondent in Ref.No. 2/VBC/C.TN/25-26 dated 06.05.2025.

For petitioner : Mr. K.Muraleedharan
(in both W.Ps)

For respondents : Mr.D.Ghandiraj
(in both W.Ps) Special Government Pleader



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COMMON ORDER

By this common order, both Writ Petitions are disposed of at the time of admission after hearing the learned counsel for the petitioner and learned Special Government Pleader for the respondents.

2. The petitioner is before this Court for the following reliefs:

W.P.(MD) No.15667 of 2025	W.P.(MD) No.15668 of 2025
To direct the third respondent to issue the petitioner's spot Inspection Certificate by considering the petitioner's representation, dated 04.06.2025 in respect of two works rehabilitation of Kalayiyarkurichi Tank in Kalayarkurichi Village of Virudhunagar Taluk in Virudhunagar District and rehabilitation of Thiruththangal Tank in Thiruththangal Village of Sivakasi Taluk in Virudhunagar District and also permit the petitioner to participate in the tender issued by the second respondent in Ref.No.2/VBC/C.TN/25-26 dated 13.05.2025.	To direct the third respondent to issue the petitioner's spot Inspection Certificate by considering the petitioner's representation, dated 04.06.2025 in respect of two works rehabilitation of Vidathaikulam Tank in Vidathaikulam Village of Thiruchuli Taluk in Virudhunagar District and rehabilitation of Narikudi Tank in Narikudi village of Thiruchuli Taluk in Virudhunagar District and also permit the petitioner to participate in the tender issued by the second respondent in Ref.No.2/VBC/C.TN/25-26 dated 06.05.2025.



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3. It is the case of the petitioner that Spot Verification Certificate, which was to be issued by the third respondent/Executive Engineer, has not been issued to the petitioner, despite the petitioner having visited the site.

4. On the other hand, the learned Special Government Pleader for the respondents would submit that the petitioner has to make an application before the third respondent before the due date by 22.05.2025, along with bid.

5. It is submitted that the Spot Verification Certificate has to be obtained by 02.06.2025. It is submitted that till date, the petitioner has not either made an application for Spot Verification Certificate in the prescribed manner nor obtained such Spot Verification Certificate and therefore, the petitioner is not entitled to make bid in the respective tender, last date of which expire on 12.06.2025 and 11.06.2025 respectively, in the respective Writ Petitions.

6. It is submitted that the procedures have been prescribed in the tender documents, however, the petitioner failed to obtain such Certificate. It is



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submitted that mere visit by the petitioner of the site is not sufficient.

7. On the other hand, the learned counsel for the petitioner would submit that the petitioner has visited the site and sent an application and the same was refused to be received by the third respondent and hence, the petitioner has rushed to this Court.

8. It is submitted that no prejudice will be caused to the respondents even if such Certificate is issued to the petitioner today or tomorrow or day after tomorrow i.e., 10.06.2025 or 11.06.2025 or 12.06.2025, after the last date of submitting the bid expires of the respective tender notifications, dated 13.05.2025 and 06.05.2025, respectively.

9. I have considered the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

10. The issuance of the Spot Verification Certificate to the petitioner cannot be denied as the petitioner has made an attempt by giving representation to the



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third respondent after making spot verification as per the procedure prescribed in the tender document. Hence, the petitioner should not be shut out from participating the tender, last date of which expire on 12.06.2025 (day after tomorrow) and 11.06.2025 (tomorrow), respectively. The procedures are meant only for attaining the object under the tender document. The Spot Verification Certificate is *sine qua non* for making bid.

11. There shall be a positive direction to the respondents to issue Spot Verification Certificate to the petitioner by tomorrow (11.06.2025) morning to facilitate the petitioner to make his offer in response to the tender notifications, dated 13.05.2025 and 06.05.2025, respectively.

12. The petitioner shall present at the site on 11.06.2025 (tomorrow) at 10.00 a.m. The third respondent shall be available at the spot for issuance of Spot Verification Certificate.

13. Both the Writ Petitions are disposed of with above observations. No



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costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

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Internet : Yes / No

apd

Note:

Issue on 10.06.2025.

To

1. The Secretary,
Public Works Department,
Secretariat,
Chennai 600 009.

2. The Superintending Engineer,
Water Resource Department,
Vaipparu Basin Circle,
Virudhunagar District.

3. Executive Engineer,
Water Resource Department,
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C.SARAVANAN, J.

apd

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