



W.P.(MD) No.16317 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16317 of 2025

and

W.M.P.(MD) Nos.12381 & 12382 of 2025

Jeba Jose

... Petitioner

Vs

1. The Director of Town Panchayats,
8th Floor,
Urban Administration Campus,
Raja Annamalaipuram,
Chennai.

2. The Executive Officer,
Kumarapuram Town Panchayat,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned Tender Notification on the file of the second respondent and quash the same and further, direct the respondents not to include



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the Clause 4.3 in any other future tenders.

For petitioner : Mr.S.Selva Aditya
for Mr. G.Prabhu Rajadurai
For respondents :Mr.D.Ghandhiraj
Special Government Pleader

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner, learned Special Government Pleader for the respondents.

2. The petitioner has approached this Court on the eleventh hour to scuttle the tender, that was floated by the respondents on 05.06.2025. However, the tender document, which has been filed at page No.16 of the typed set of papers, indicates that the bid documents will be available from 02.06.2025.

3. It is the specific case of the petitioner that the respondents have floated the tender to eliminate the competition and to award the contract only to the persons, those who are close to the persons in power.



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4. It is further submitted that as per Clause 4.3 of the general conditions appended to the aforesaid tender document, a bidder has to submit a certificate from the Executive Engineer of Tirunelveli Zone Town Panchayat. The said Officer is not available in his officer. It is submitted that he is an Authority for issuance of certificate not only for Kanyakumari, but also for Tirunelveli, Tenkasi and Tuticorin. Therefore, the petitioner has not able to secure the certificate from the Executive Engineer of Tirunelveli Zone Town Panchayat. That apart, it is submitted that the conditions are illicit and unwarranted.

5. A reference was made to the following decisions of this Court:

1. ***Sri Venkatram Spinners Pvt. Ltd vs. State of Tamil Nadu (W.P.(MD)Nos. 17261, 18987 & 18988 of 2017, decided on 11.08.2017);***
2. ***PL.R & Co. vs. The Superintending Engineer (Highways), Tiruchirappalli (W.P.(MD) No.21258 of 2023, decided on 31.08.2023);***
3. ***M/s.Sai Hridham Infraa Pvt. Ltd., vs. The Secretary to Government of Tamil Nadu, Highways Department, Chennai (W.P.(MD)No.25916 of 2023, decided on 30.11.2023);***
4. ***Sai Haridham Infraa Pvt. Ltd., vs.The Superintending Engineer,***



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National Highways, Madurai (W.P.(MD) No.29668 of 2024, decided on 06.12.2024); and

5. The Superintending Engineer, National Highways, Madurai vs. Sai Haridham Infraa Pvt. Ltd., (W.P.(MD) No.2660 of 2024, decided on 20.12.2024).

6. The learned counsel for the petitioner would further submit that there has been a violation of Rule 20(1)(a) of the Tamil Nadu Transparency of Tender Rules, 2000, wherein minimum time prescribed i.e., 15 days has not been made with.

7. It is further submitted by the learned counsel for the petitioner that about 137 tenders have to be opened on 17.06.2025 and it is impossible for all the bidders to get certificate from the Executive Engineer by the said date.

8. The learned Special Government Pleader for the respondents, on the other hand, would submit that the petitioner is attempting to scuttle the tender, which is to be opened tomorrow i.e.17.06.2025 without submitting any tender



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9. It is further submitted that the petitioner has not produced any document to substantiate that the petitioner had made an attempt to get certificate from the Executive Engineer of Tirunelveli Zone, as is contemplated in Clause 4.3 in the conditions attached to the tender.

10. It is further submitted that in case, the petitioner is able to produce the documents by tomorrow i.e. 17.06.2025, the respondents will consider the bid of the petitioner and award the contract, in case the petitioner is entitled to success.

11. The learned Special Government Pleader also drew attention of this Court to the recent decision of this Court in W.P.(MD) Nos. 15667 & 15668 of 2025, dated 10.06.2025, wherein a direction was given to furnish the certificate for the petitioner to participate the tender.

12. I have considered the arguments advanced by the learned counsel for the petitioner and learned Special Government Pleader for the respondents.



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13. I have also perused the affidavit filed in support of the Writ Petition, there are no documents to substantiate that the petitioner has given any application to the Executive Engineer of Tirunelveli Zone for issuance of certificate. In the averments in the para 6 of the affidavit, it is stated that the address of the Executive Engineer of Tirunelveli Zone has not been given in the tender document and the petitioner and other contractors were not able to contact the Executive Officer of Tirunelveli Zone and that they are also unable to contact him over phone and therefore, inclusion of the condition creates a situation when the Executive Engineer could select the successful bidder.

14. The petitioner has approached this Court at the last minute, i.e., one day before the last date for making bid and for opening of the tender. As such, this Writ Petition is devoid of merits and therefore, liable to be dismissed. However, considering the fact that the petitioner wants to participate in the tender, there shall be a direction to the respondents not to open the bid till 19.06.2025.

15. The petitioner is directed to furnish the certificate from the Executive Engineer of Tirunelveli Zone as is contemplated in Clause 4.3 of the tender



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document. The petitioner shall make a bid tomorrow i.e. 17.06.2025, which shall be received by the respondents and the certificate shall be produced by 18.06.2025 at 12.00 p.m.

16. The learned Special Government Pleader for the respondents is directed to instruct the Executive Engineer of Tirunelveli Zone to issue necessary certificate as is required under the tender document.

17. It is made clear that this Court cannot step into the shoes of the parties to alter the conditions that is stipulated in the tender document. It is made clear that the petitioner's bid will be considered subject to the petitioner making the bid by tomorrow i.e., 17.06.2025 and subject to the petitioner submitting certificate from the Executive Engineer by day after tomorrow i.e., 18.06.2025 at 12.00 p.m. The respondents shall ensure that the petitioner is issued with necessary certificate. If the petitioner is able to produce all the documents that are required for issuance of certificate, the offer of the petitioner shall be considered.



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18. This Writ Petition is disposed of, with the above observations. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

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Internet : Yes / No

apd

To

1. The Director of Town Panchayats,
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Raja Annamalaipuram,
Chennai.

2. The Executive Officer,
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C.SARAVANAN, J.

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