



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.08.2025

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)Nos.20064 & 20065 and 20170 to 20172 of 2025

and

W.M.P.(MD)No.15586 of 2025 in W.P.(MD)No.20064 of 2025

and

W.M.P.(MD)No.15585 of 2025 in W.P.(MD)No.20065 of 2025

and

W.M.P.(MD)Nos.15536, 15540 and 15980 of 2025 in W.P.(MD)No. 20170 of 2025

and

W.M.P.(MD)Nos.15537 and 15539 of 2025 in W.P.(MD)No.20171 of 2025

and

W.M.P.(MD)Nos.15538, 15541 and 15978 of 2025 in W.P.(MD)No. 20172 of 2025

W.P.(MD)Nos.20064 and 20065 of 2025:-

Arumugam

... Petitioner in both the W.Ps.

Vs.

1.The Regional Director of Municipal Administration,
Office of the Regional Director of Municipal Administration,
Manakavalam Pillai Nagar,
Tirunelveli.

2.The Commissioner,
Puliyangudi Municipality Corporation,
Tenkasi District.

... Respondents both the W.Ps.



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

Prayer in W.P.(MD)No.20064 of 2025:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to open / conclude the E-auction Tender held on 16.07.2025 in pursuance to proceeding vide Na.Ka.No. 778-1/2025/E1 dated 27.06.2025 issued by the second respondent by considering the representation dated 18.07.2025.

Prayer in W.P.(MD)No.20065 of 2025:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to open / conclude the E-auction Tender held on 16.07.2025 in pursuance to proceeding vide Na.Ka.No. 778-3/2025/E1 dated 27.06.2025 issued by the second respondent by considering the representation dated 18.07.2025.

For Petitioner in both the W.Ps. : Mr.K.P.S.Palanivel Rajan
Senior Counsel
for Mr.M.Ramesh

For R1 in both the W.Ps. : Mr.D.Ghandiraj
Special Government Pleader

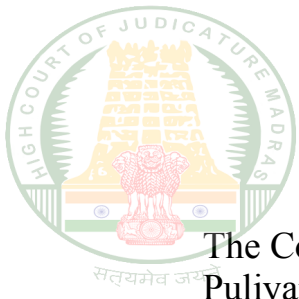
For R2 in both the W.Ps. : Mr.M.Rajarajan
Standing Counsel

W.P.(MD)Nos.20170 to 20172 of 2025:-

APR Constructions,
Rep. by its Proprietor,
N.Prabagar Raja, S/o Nataraja Raja,
411/1, Singarajakottai Street,
Rajapalayam, Virudhunagar District.

... Petitioner in all the W.Ps.

Vs.



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

The Commissioner,
Puliyangudi Municipality,
Tenkasi District.

... Respondent in all the W.Ps.

Prayer in W.P.(MD)No.20170 of 2025:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the original impugned tender notification of the respondent in Na.Ka.No.778-1/2025/E1 dated 27.06.2025 and quash the same and consequently, direct the respondent to issue fresh tender for subject work in the impugned tender.

Prayer in W.P.(MD)No.20171 of 2025:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the original impugned tender notification of the respondent in Na.Ka.No.778-2/2025/E1 dated 27.06.2025 and quash the same and consequently, direct the respondent to issue fresh tender for subject work in the impugned tender.

Prayer in W.P.(MD)No.20172 of 2025:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the original impugned tender notification of the respondent in Na.Ka.No.778-3/2025/E1 dated 27.06.2025 and quash the same and consequently, direct the respondent to issue fresh tender for subject work in the impugned tender.

For Petitioner in all the W.Ps. : Mr.J.Anandkumar

For Respondent in all the W.Ps. : Mr.M.Rajarajan
Standing Counsel



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

COMMON ORDER

WEB COPY The petitioner in W.P.(MD)Nos.20064 and 20065 of 2025, who is the successful bidder, has approached this Court by way of a Writ of Mandamus, seeking a direction to the respondents to open and conclude the E-auction Tender held on 16.07.2025, pursuant to the proceedings of the second respondent / Commissioner, Puliyanakudi Municipality, vide Na.Ka.No.778-1/2025/E1 and Na.Ka.No.778-3/2025/E1, both dated 27.06.2025, by considering the representation of the petitioner therein, dated 18.07.2025.

2. The petitioner in W.P.(MD)Nos.20170 to 20172 of 2025 has challenged the tender notifications issued by the respondent therein, namely, the Commissioner, Puliyanakudi Municipality, vide Na.Ka.No. 778-1/2025/E1, Na.Ka.No.778-2/2025/E1 and Na.Ka.No.778-3/2025/E1, all dated 27.06.2025.

3. These cases were heard at length on 12.08.2025 [yesterday], along with W.P.(MD)Nos.19787 to 19789 of 2025. In those writ petitions, the petitioner sought relief similar to that in W.P.(MD)Nos.20170 to 20172 of 2025. However, the petitioner therein withdrew the said writ



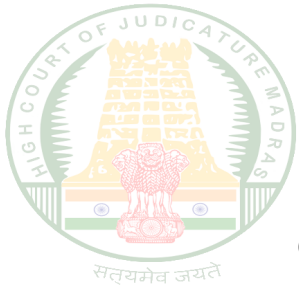
W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

petitions on 12.08.2025 [yesterday]. During the interregnum, due to the interim order passed by this Court, the contract was not awarded to the petitioner in W.P.(MD)Nos.20064 and 20065 of 2025.

4. The facts of the case reveal that earlier a tender notification was issued by the Commissioner, Puliyanakudi Municipality, on 13.06.2025. The last date for submitting and opening the bids was 27.06.2025. However, for administrative reasons, the said tender proceedings were cancelled. Subsequently, three fresh tender notifications were issued on 27.06.2025, which are impugned in W.P.(MD)Nos.20170 to 20172 of 2025, and were also the subject matter of W.P.(MD)Nos.19787 to 19789 of 2025.

5. The details of the impugned tender notifications are as follows:-

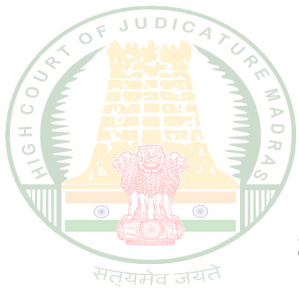
Writ Petition No.	Tender Notification No.	Value
W.P.(MD)No. 20170 / 2025	Na.Ka.No.778-1/2025/E1, dated 27.06.2025	Rs.52,00,000/-
W.P.(MD)No. 20171 / 2025	Na.Ka.No.778-2/2025/E1, dated 27.06.2025	Rs.71,00,000/-
W.P.(MD)No. 20172 / 2025	Na.Ka.No.778-3/2025/E1, dated 27.06.2025	Rs.1,38,00,000/-



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

6. A specific query was posed to the learned Standing Counsel for the Commissioner, Puliyanakudi Municipality, Tenkasi District, as to whether the due procedure prescribed under Section 9 of the Tamil Nadu Transparency in Tenders Act, 1998 [hereinafter referred to as "the Act"] read with Rule 9 of the Tamil Nadu Transparency in Tenders Rules, 2000 [hereinafter referred to as "the Rules"], was followed, specifically, whether the tender notification was published in the State Tender Bulletin. In response, it was categorically admitted that no such procedure was followed and that the tender notification was not published in the State Tender Bulletin.

7. The learned Senior Counsel for the petitioner in W.P.(MD)Nos. 20064 and 20065 of 2025, who was declared as successful bidder pursuant to the opening of bids on 16.07.2025, submitted that the petitioner in W.P.(MD)Nos.20170 to 20172 of 2025 has no *locus standi*, inasmuch as the said petitioner did not submit any bid in response to the tender notifications dated 27.06.2025, which are under challenge in W.P. (MD)Nos.20170 to 20172 of 2025, as well as in the earlier W.P.(MD)Nos. 19787 to 19789 of 2025.



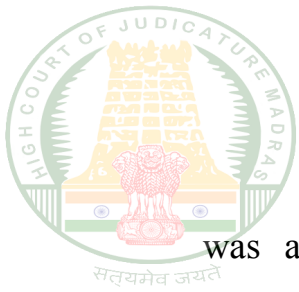
W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

8. In this connection, the learned Senior Counsel placed reliance on the decision of this Court in **W.P.(MD)Nos.13596 and 18246 of 2014** (R.Thanikachalam vs. The Commissioner, H.R. & C.E. Department, Chennai and others), rendered on 27.01.2023. The learned Senior Counsel relied on the following passage from the said decision:-

"I find that the writ petition is not maintainable by the petitioner for admittedly he has not even participated in the Tender and has proceeded to challenge subsequent to the completion of Tender process."

9. It is, therefore, submitted that since the petitioner in W.P. (MD)Nos.20170 to 20172 of 2025 failed to submit a bid in response to the tender floated on 27.06.2025, the question of the petitioner maintaining the said writ petitions does not arise. That apart, it is submitted that there has been substantial compliance with the provisions of the Act and the Rules, and hence, W.P.(MD)Nos.20170 to 20172 of 2025 are liable to be dismissed.

10. The learned Standing Counsel for the respondent Municipality submits that although no paper publication was made, in the case of a re-tender, no separate paper publication is mandated. Furthermore, it is submitted that the petitioner in W.P.(MD)Nos.20170 to 20172 of 2025

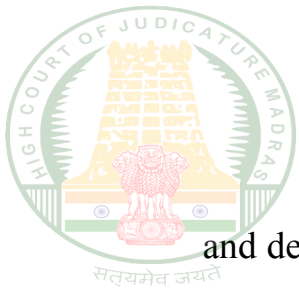


W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

was aware of the tender notification dated 27.06.2025, and having remained silent and inactive, is not entitled to the relief sought in the said writ petitions. It is also pointed out that the petitioner in W.P.(MD)Nos. 20170 to 20172 of 2025 has filed the writ petitions filed only on 21.07.2025, i.e., after the last date for submission of bids, which was 16.07.2025.

11. Having considered the submissions of the learned Senior Counsel for the petitioner in W.P.(MD)Nos.20064 and 20065 of 2025, the learned counsel for the petitioner in W.P.(MD)Nos.20170 to 20172 of 2025 and the learned Standing Counsel for the respondent / Commissioner, Puliyanakudi Municipality, and upon a careful perusal of the provisions of the Act and the Rules, I am of the considered view that there has been a clear violation of the mandatory provisions of the Act and the Rules.

12. Specifically, the mandatory requirement of publishing the tender notification and decisions on tenders in the State Tender Bulletin has not been complied with. Rule 9 of the Tamil Nadu Transparency in Tenders Rules, 2000, explicitly provides that the notice inviting tenders



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

and decisions on tenders must be published in the State Tender Bulletin in

WEB COPY the following cases:-

(a) where the value of procurement exceeds such amount as may be notified by the Government in this behalf;

(b) where the Tender Inviting Authority is a Secretary to Government, or the head of a Government department, or a Local Authority, or the Chief Executive of a Public Sector Undertaking, Statutory Board, Apex Co-operative Institution, University or State Level Society formed by the Government;

(c) in any other case, where the Tender Inviting Authority deems it fit.

13. In the present case, the tender proceedings fall squarely under Rule 9(b) of the Rules, as the Commissioner of Puliyanakudi Municipality, Tenkasi District, is a Local Authority. Therefore, publication in the State Tender Bulletin was mandatory.

14. Further, Rule 10 of the Rules prescribes the details that must be included in the notice inviting tenders, and the only exception to newspaper publication is as specified in the Annexure prescribed under Rule 11 of the Rules.



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

15. In fact, this Court had occasion to consider a similar issue in

WEB COPY

S.Kalyanasundaram vs. The District Collector, Thanjavur District and two others [W.P.(MD)No.21657 of 2025], decided on 06.08.2025, wherein the scope of Section 9 of the Act and Rule 5 of the Rules was elaborately examined. The relevant portion of the said decision is reproduced 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



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

WEB COPY

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

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.

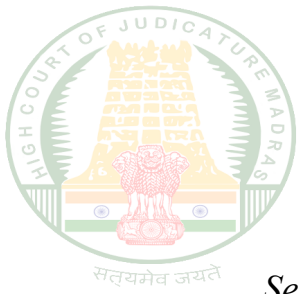
(2) The Tender Inviting Authority shall communicate the Notice Inviting Tenders to the Bulletin Officers according to the value of the procurement and within such time as may be prescribed, so as to publish the same in the appropriate Tender Bulletin.

(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."



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

WEB COPY

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 District Bulletin Officer at least once in a week.

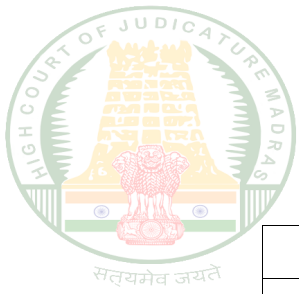
19. As per Rule 5(2) of the Rules, the State Tender Bulletin shall likewise be published electronically by the State Tender Bulletin Officer, also at least once in every week.

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.

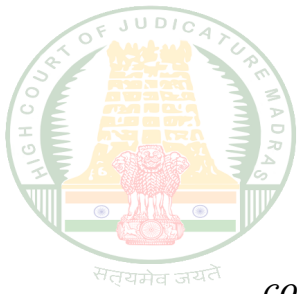
23. For ready reference, Rules 5 and 6 of the Rules are reproduced below:-



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

WEB COPY

Rule 5	Rule 6
5. Publication of Tender Bulletin.- (1) The District Tender Bulletin shall be published by electronic mode by the District Tender Bulletin Officer at least once in every week. (2) The State Tender Bulletin shall be published by electronic mode by the State Tender Bulletin Officer at least once in every week. (3) 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. (4) 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.	6. Distribution of Tender Bulletins.- (1) 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. (2) ... (3) 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.



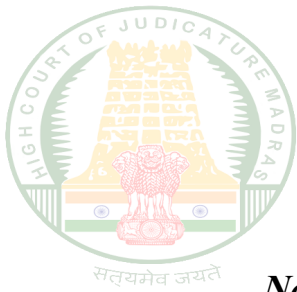
W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

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 <i>vice versa</i> .	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:-*



WEB COPY



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

"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.



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

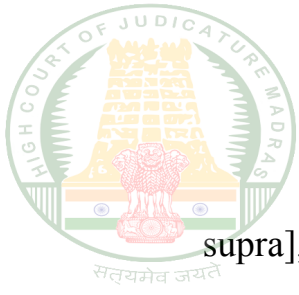
WEB COPY

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

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

16. Since there has been a violation of the mandatory provisions of the Act and the Rules, and taking into consideration the fact that no work order has been issued in favour of the petitioner in W.P.(MD)Nos.20064 and 20065 of 2025, I am inclined to allow W.P.(MD)Nos.20170 to 20172 of 2025.

17. Accordingly, W.P.(MD)Nos.20170 to 20172 of 2025 are allowed. Consequently, W.P.(MD)Nos.20064 and 20065 of 2025 are dismissed. The respondents are directed to issue a fresh tender notification strictly in compliance with the provisions of the Tamil Nadu Transparency in Tenders Act, 1998 and the Tamil Nadu Transparency in Tenders Rules, 2000, as directed by this Court in the case of **S.Kalyanasundaram** [cited



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

supra], vide order dated 06.08.2025. No costs. Consequently, connected

WEB COPY Miscellaneous Petitions are closed.

Index : Yes/ No
NCC : Yes / No
smn2

13.08.2025

To

1.The Regional Director of Municipal Administration,
Office of the Regional Director of Municipal Administration,
Manakavalam Pillai Nagar,
Tirunelveli.

2.The Commissioner,
Puliyangudi Municipal Corporation,
Tenkasi District.



WEB COPY



W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

C.SARAVANAN, J.

smn2

Common order in
W.P.(MD) Nos.20064 & 20065 and 20170 to 20172 of 2025

13.08.2025