



W.P(MD)No.21531 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.21531 of 2025

and

W.M.P(MD)No.16603 of 2025

S.Navaneethakrishnan

... Petitioner

Vs.

1.The District Collector,
Kokarakulam,
Tirunelveli Junction,
Tirunelveli City.

2.The Executive Officer,
Thisayanvilai Spl. Gr.Town Panchayat,
Thisayanvilai - 627657.

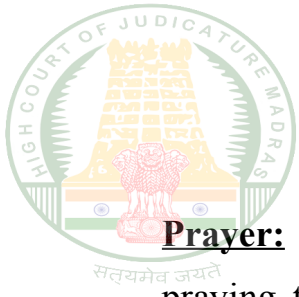
3.The Junior Engineer,
Thisayanvilai Spl. Gr.Town Panchayat,
Thisayanvilai - 627657.

4.The Executive Engineer,
Thisayanvilai Spl. Gr.Town Panchayat,
Thisayanvilai - 627657.

5.The Assistant Executive Engineer,
Thisayanvilai Spl. Gr.Town Panchayat,
Thisayanvilai - 627657.

6.R.Selwyn Thiraviaraj

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the respondents 2 to 5 in Proceedings No. Nil, dated 09.07.2025, and quash the same as illegal and consequentially direct the respondents 2 to 5 to permit the petitioner to participate in the tender and then finalize the tender notification dated 16.05.2025 issued by the second respondent within the time stipulated by this Court.

For Petitioner	: Mr.V.Balasubramanian
For R1	: Mr.D.Ghandiraj Special Government Pleader
For R2 to R5	: Mr.K.R.Badurus Zaman Government Advocate

ORDER

The petitioner has challenged the impugned tender technical evaluation report of the tender committee, wherein the petitioner's bid was rejected pursuant to the tender floated by the second respondent on 16.05.2025.

2. It is submitted that the last date for submission of bids was 04.06.2025, on which date the bids were opened for technical evaluation. After the technical bids opened on 04.06.2025, the impugned proceedings were issued by the respondents 2 to 5, which is challenged primarily on the



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ground that the sixth respondent was selected as the successful bidder during the technical evaluation only on account of the political considerations. The bid of the petitioner and other bidder namely Bala Thuravia Marthandan were rejected.

3. It is submitted that by the aforesaid tender notification dated 16.05.2025, two bids were called for two different works. The petitioner has submitted all the required documents. It is submitted that the petitioner filed the same along with the bid and with great difficulties, the petitioner was unable to retrieve the documents to substantiate the case. It is submitted that since the petitioner had filed all the documents at the time of submitting of the bid, the impugned summary rejectng the bid stating that no financial turn over certificate certified by the Chartered Accountant was filed is incorrect.

4. That apart, it is submitted that the failure to mention dates in the Bank Certificate regarding the work capital cannot be a major reason which should have weighed in the minds of the tender evaluation committee to disqualify the petitioner's request. Thus, it is submitted that the respondents herein erred in rejecting the bid of the petitioner. It is submitted that although the bids were opened on 04.06.2025, the rejection was communicated only on



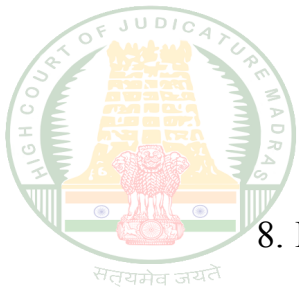
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09.07.2025 and there was a huge delay between the two dates to show that attempt was made to unfairly exclude the petitioner from the tender process.

5. The learned Government Advocate for the respondents 2 to 5 submits that after the bids were opened on 09.07.2025, the work order was issued on 10.07.2025 by the second respondent to the sixth respondent. It is submitted that after the work order was issued on 10.07.2025, a substantial portion of the work has already been completed by the sixth respondent.

6. The learned counsel for the petitioner submits that the work has not yet commenced. It is therefore submitted that there can be no impediment to stay all further proceedings pursuant to the impugned tender notification.

7. Although the petitioner has approached this Court belatedly, the reasons forthcoming from the petitioner for approaching the Court belatedly after 09.07.2025 as because the documents that were uploaded and physical copy which were given were not available with the petitioner is acceptable. The submission that with great difficulties, the petitioner was able to retrieve the same from the second respondent and thus filed the present writ petition on 04.08.2025 is quite plausible.



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8. I have considered the arguments advanced by the learned counsel for the petitioner, learned Special Government Pleader for the first respondent and the learned Government Advocate for the respondents 2 to 5.

9. This writ petition is disposed of at the time of admission after dispensing with notice to the sixth respondent, who appears to be the successful bidder after recording the submission of the learned Government Advocate for the respondents that pursuant to the work order issued on 10.07.2025 by the second respondent in his proceedings bearing reference Na.Ka.No.195/2025, a substantial portion of the work has been completed by the sixth respondent.

10. The petitioner may have a genuine case. However, the evidence cannot be appreciated under Article 226 of the Constitution of India. As a matter of fact, the petitioner has an alternate remedy under Section 11 of the Tamil Nadu Transparency of Tender Act, 1981. It is quite possible that the sixth respondent may not have commenced the work, as has been stated by the learned counsel for the petitioner.

11. However, this can be proved by shifting the burden of proof on the sixth respondent to show that the sixth respondent has not procured the



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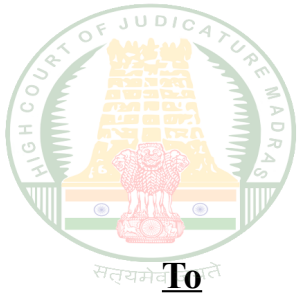
required paver blocks from the supplier by asking the sixth respondent to produce necessary GST invoice, e-way bills etc., for proving purchase of paver blocks for laying together with e-way bills to show that the paver blocks were not supplied by the supplier at the site.

12. Accordingly, liberty is granted to the petitioner to file an appeal within a period of 15 days from the date of receipt of a copy of this order. It is made clear that the sixth respondent shall produce the necessary documents to substantiate that the sixth respondent has indeed placed purchase order for supply of requisite paver blocks for executing the work in terms of the work order issued by the second respondent on 10.07.2025.

13. The respondents shall also endeavour to produce copies of the necessary e-way challans, bills and invoices to show that the sixth respondent has procured requisite number of paver blocks for executing the work pursuant to the work order dated 10.07.2025. No costs. Consequently, the connected miscellaneous petition is closed.

05.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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