



W.P.(MD).No.36039 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.36039 of 2025

M/s.S.S & Co.,
Rep. by its Managing Partner,
Mr.B.Subamanian,
No.28/6, Chithambaranathapuram 1st Street,
Devakottai, Sivagangai District.

... Petitioner

Vs.

1.The Superintending Engineer (NH),
National Highways,
Madurai Circle,
Madurai-02.

2.The Divisional Engineer (NH),
National Highways,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to forthwith issue the Woke Site Inspection



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Certificate and the Working Condition of Plant & Machinery Certificate to the petitioner based on the application dated 08.12.2025, enabling the petitioner to submit the tender bid as per the Tender Notifications issued by the first respondent vide Tender Notice No.22/2025-26/HDO/NH, dated 03.12.2025 for the package No.MDU-29 and Tender Notice No. 20/2025-26/HDO/NH, dated 03.12.2025 for the package Nos.MDU-31 and MDU-34.

For Petitioner : Mr.A.Mohan

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The present writ petition has been filed seeking a mandamus directing the second respondent to issue the Work Site Inspection Certificate and the Working Condition of Plant and Machinery Certificate to the petitioner based upon his application dated 08.12.2025.

2. The learned Additional Advocate General appearing for the respondents submits that as far as the constitution of the petitioner firm is



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concerned, the same is in dispute in view of the fact that two minors are admitted as partners. Questioning the same, already a show cause notice has been issued to the petitioner firm. Challenging the show cause notice, the petitioner has preferred W.P.(MD)No.33193 of 2025 and an order of interim stay has been granted.

3. According to the learned Additional Advocate General, when the validity of the constitution of the firm is under dispute, the question of issuing the work site inspection certificate or any other certificate as requested by the petitioner would not arise.

4. However, the learned counsel appearing for the petitioner submits that he may be issued with a relevant certificate to enable him to submit his bid form and the validity of the constitution of the firm may be decided by the concerned authorities even in this tender.

5. In view of the above facts, the petitioner is permitted to approach the concerned authorities today itself along with all the relevant



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records and on satisfaction, the authorities are directed to issue the relevant certificates. It is made clear that issuance of the certificates would not in any way decide the validity of the constitution of the petitioner firm.

6. With the said observations, the Writ Petition stands disposed of. No costs.

17.12.2025

Index : Yes / No

Internet : Yes / No

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NOTE: Issue Order Copy on 17.12.2025

To

1. The Superintending Engineer (NH),
National Highways,
Madurai Circle,
Madurai-02.

2. The Divisional Engineer (NH),
National Highways,
Madurai.



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Order made in
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R.VIJAYAKUMAR, J.

The Writ Petition was disposed of on 17.12.2025 and it is listed today under the caption “for being mentioned” at the instance of the learned counsel appearing for the petitioner.

2. According to the learned counsel appearing for the Writ Petitioner, the validity of the constitution of the firm is under consideration in W.P.(MD)No.33193 of 2025. Therefore, in paragraph No.4, the direction issued by the Court with regard to the validity of the constitution of the firm may be deleted.

3. Registry is directed to issue a fresh order copy by substituting the paragraph No.4, as follows:

“4. However, the learned counsel appearing for the petitioner submits that he may be issued with a relevant certificate to enable him to submit his bid form.”

19.12.2025

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Note: Issue order copy today.
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