



WP No.8819 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2026

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.8819 of 2026

M/s.BR Constructions,
rep. By its Partner,
P.Balaji

: Petitioner

versus

1.The State of Tamil Nadu
Rep by its Addl.Chief Secretary
Secretariat, Fort St.George,
Chepauk Chennai

2. The Secretary
Tamilnadu Highways and Minor Ports Department
Secretariat, Fort St.George,
Chepauk, Chennai

3. The Chief Engineer
Tamil Nadu Highways and Minor ports Department
Secretariat, Fort St.George,
Chepauk, Chennai

4. The Superintending Engineer(Highways)
/Tender Inviting Authority)
C & M Circle, Villupuram
Villupuram District



WP No.8819 of 2026

5. The Divisional Engineer
C&M Circle, Villupuram
Villupuram District

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declare section 6 of the Tamil Nadu Highways Act 2001 as ultra vires since it is contrary to the Tamil Nadu Transparency in Tender Act, 1998 and Tamil Nadu Transparency in Tender Rules 2000 in respect to floating and finalising any tender pertaining to Highways Department, which mandates the tender conditions for submitting the work site Inspection certificate and working condition of the Plants and Machineries certificate as violative of Articles 14, 19(1)(G), 21 of constitution of India.

For Petitioner : Mr.K.Narayanan

For Respondents : Mr.J.Ravindran,
Additional Advocate-General,
assisted by Mr.K.Karthik Jagannath,
Government Advocate

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The validity of Section 6 of the Tamil Nadu Highways Act, 2001 is assailed on the ground that the provisions of Section 6 are not harmonious and consistent with the public procurement scheme envisaged in Tamil Nadu Transparency in Tenders Act.

Section 6 of the Act reads as under:

"6. (1) The State Highways Authority shall be responsible for the over all supervision of the construction, maintenance, development or improvement of the highways in the State and for the



WP No.8819 of 2026

restriction of ribbon development along the highways. The State Highways Authority shall, from time to time, issue such instructions as may be necessary to the Highways authorities for carrying out the purposes of this Act.

(2) Every Highways authority may, with the approval of the State Highways Authority, undertake the construction, maintenance, development or improvement of any highway and for restriction of ribbon development along such highway, including for the prevention and removal of encroachments and for all matters necessary or incidental thereto, in its division, in such manner and within such time as may be specified by the State Highways Authority in this behalf.”

2. Section 6 provides for the functions of the administrators who are enjoined with the duty to maintain and administer the State Highways. We fail to understand how such a scheme of management and administration of the highways in the State is against the provisions of the Act of 2001, which seeks to regulate award public works through a transparent process of selection. Both the Acts operate in two different fields.



WP No.8819 of 2026

3. It appears that the petitioner is aggrieved by certain terms and conditions incorporated in the tender conditions.

4. It is well settled that there is limited scope for judicial review in the matter of challenge to law. In the absence of there being any ground of legislative incompetence or violation of any constitutional provisions or provision itself suffering from manifest arbitrariness, Constitutional Courts shall not substitute its own opinion on the efficacy of any statutory scheme.

There is no merit in challenge to the conditions imposed in the tender notice requesting production of certificate of site inspection. The same is also rejected.

5. The petition is apparently frivolous and the same is dismissed. There will be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, C.J.) (G.ARUL MURUGAN, J.)
05.03.2026

Index : Yes/No
Neutral Citation : Yes/No
tar



WP No.8819 of 2026

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WEB COPY

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WP No.8819 of 2026

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WP No.8819 of 2026

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