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W.A.No.715 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No.715 of 2026

and CMP No.7220 and 7218 of 2026

Sasi Road Finishers and Engineering
Contractors
Rep. By its Managing Partner,
B. Sangeeth Kumar,
No.39/1, 1st Cross, Nedumaran Nagar,
Dharmapuri - 636 701.

Appellant(s)

Vs

1. The State of Tamil Nadu
Rep. by its Joint Director/Project Director,
District Rural Development Agency,
Dharmapuri - 636 705.
2. M.S.Chinnakannu and Co
Rep. by its Managing Partner, S.Selvam,
Pappambadi, Chinnappampatty (Post),
Omalur Taluk, Salem - 636 306.

Respondent(s)



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PRAYER: Appeal under Clause 15 of the Letters Patent to set aside the order in Writ Petition No.5126 of 2026, dated 25.2.2026, on the file of this Court and allow this writ appeal and thus render justice

For Appellant(s): Mr.N.R.Elango, Senior Counsel
For Mr.A.S.Aswin Prasanna

For Respondent(s): Mr.P.Kumaresan
Additional Advocate General
Assisted By Mr.K.Karthik Jagannath
Government Advocate
For R1

Mr.P.V.Balasubramaniam
Senior Counsel
For Mr.I.Gokulraj
For R2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Questioning the correctness of the order dated 25.2.2026 passed by the learned Single Judge in W.P.No.5126 of 2026, the unsuccessful writ petitioner has filed this writ appeal.

2.1. The facts in a nutshell are that the first respondent had floated a tender for formation of the road from Barigam to Malaiyur Road in Nallampalli Block of Dharmapuri District. The appellant firm, claiming to be one of the registered and eligible contractors,



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submitted and uploaded the tender document as per procedure laid down in the tender notice along with all the required documents as stipulated by the first respondent on 30.10.2025, The first respondent perused all the documents submitted by the appellant and found the appellant eligible.

2.2. It is stated that the second respondent, who also participated in the tender process, was initially disqualified on 24.11.2025, but was later on admitted as qualified bidder on 6.2.2026. It is further stated that the tender portal, on 8.2.2026, updated the status enabling the second respondent to participate in the financial bidding without any rhyme or reason.

2.3. Seeking quashment of the aforesaid order dated 8.2.2026 and a consequential direction to the first respondent to award contract to the eligible and lowest bidder as on 24.11.2025, the writ petition was filed.

2.4. The learned Single Judge, after threadbare analysis of the factual matrix and the submissions advanced by learned counsel on



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either side, dismissed the writ petition vide order dated 25.2.2026.

Hence, the present writ appeal.

3. Learned Senior Counsel appearing for the appellant submitted that once the second respondent was disqualified on 24.11.2025 for non-compliance of Clause 11.3 of the tender conditions, the tender inviting authority has no jurisdiction to reconsider the tender submitted by the second respondent and, therefore, the tender process reeks of mala fide.

4. Per contra, learned Additional Advocate General appearing on behalf of the first respondent, drawing support from the order passed by the learned Single Judge, submitted that the omission on the part of the second respondent in submitting the original affidavit within the prescribed time was curable, non-prejudicial and procedural in nature. In any event, he added that the difference between the rate quoted by the second respondent, who was awarded the contract, and the present appellant is Rs.26 lakhs.



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5. Learned Senior Counsel appearing on behalf of the second respondent submitted that pursuant to the rejection of the technical bid on the ground that original affidavit was not filed as contemplated under Clause 11.3 of the e-tender document, the petitioner raised a complaint in terms of Clause 21.6 of the e-tender document and thereafter filed W.P.No.46732 of 2025, wherein a learned Single Judge of this court, on *prima facie* case having been made out by the second respondent, granted interim stay. He hastened to add that on 6.2.2026 the said writ petition was withdrawn and the first respondent issued letter of acceptance in favour of the second respondent and the work has already commenced.

6. We have heard the learned counsel on either side and perused the order passed by the learned Single Judge.

7. The learned Single Judge, as is evident from the order impugned, has called for the entire original file and upon due consideration came to the conclusion that there is neither any violation in the tender process nor arbitrary extension of time.



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Besides that, it is also observed that there is no mala fide attributable to the first respondent in awarding contract in favour of the second respondent. It was also noted that in the absence of any arbitrariness or mala fide, for every error or unsavory action during the process of tender, the court need not interfere, as the larger public interest of laying road in the remote village should be the primordial consideration.

8. In *Jagdish Mandal v. State of Orissa*¹, the Supreme Court, after discussing a catena of earlier judgments, laid down two tests to determine the extent of judicial interference in tender matters and observed as under:

"22. ... (i) Whether the process adopted or decision made by the authority is mala fide or intended to favour someone;

or

Whether the process adopted or decision made is so arbitrary and irrational that the court can say: 'the decision is such that no responsible authority acting reasonably and in accordance with relevant law could have reached;'

(ii) Whether public interest is affected.

¹(2007) 14 SCC 517



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If the answers are in the negative, there should be no interference under Article 226. Cases involving blacklisting or imposition of penal consequences on a tenderer/contractor or distribution of State largesse (allotment of sites/shops, grant of licences, dealerships and franchises) stand on a different footing as they may require a higher degree of fairness in action."

9. In the case on hand, the learned Single Judge, on perusal of the original records, rendered a categorical finding that there is no arbitrariness or mala fide in the tender process and laying of road would be in the larger public interest of the villagers.

10. The scope of a letters patent appeal has been expounded by the Supreme Court in the case of *Baddula Lakshmaiah v. Sri Anjaneya Swami Temple*², thus:

"A Letters Patent Appeal, as permitted under the Letters Patent, is normally an intra-court appeal whereunder the Letters Patent Bench, sitting as a Court of Correction, corrects its own orders in exercise of the same jurisdiction as was vested in the Single Bench. Such is not an appeal against an order of a subordinate Court."

²(1996) 3 SCC 52



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11. In the light of the law enunciated in the decision, referred supra, it is apparent that in an intra-court appeal, a Division Bench of the High Court may only see the correctness of the order passed by the learned Single Judge, as the intra-court appeal is exercised in the same jurisdiction as exercised by Single Judge.

12. We do not find any error in the order passed by the learned Single Judge warranting interference by this court.

In such view of the matter, the writ appeal is dismissed. There shall be no order as to costs. Consequently, interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
13.03.2026

Index : Yes
Neutral Citation : Yes
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To:

1. The Joint Director/Project Director,
State of Tamil Nadu
District Rural Development Agency,
Dharmapuri - 636 705.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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