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W.P.No.50029 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 50029 of 2025

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W.M.P.Nos. 55965 & 55967 of 2025

M/s. VKSS Co,
Rep. by its Managing Partner,
S.Sundararaj
36-A, Therkkumedu,
Veeraganur Post,
Thalaivasal Taluk,
Salem District.

...Petitioners

Vs.

1.The Superintending Engineer (NH)
Government of Tamil Nadu,
National Highways, Salem Circle,
Salem 04.

2.The Divisional Engineer (NH)
Government of Tamil Nadu,
National Highways, Salem Circle,
Salem 04.



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3.The Divisional Engineer (NH),
Quality Control,
Government of Tamil Nadu,
National Highways, Salem Circle,
Salem 04.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, calling for the records relating to the certificate for plant and machineries issued by the 3rd respondent dated 15.12.2025 issued in covering letter in Lr No CRIF-16/2025-26/ AE/1-I/ dated 15.12.2025 on the file of the 2nd respondent quash the same and direct the respondents to conduct re-inspection of plant and machinery of the petitioner and reissue the proper working conditions of plant and machinery certificates in Tender Notification in Tender Notice No 17/HDO/NH/2025-26 dated 02.12.2025 in respect of work in Sl.No.2 (Job No.TN-CRIF-2025-26-SLM-16) on the file of the 1st respondent and also not to reject the bid of the petitioner based upon the certificate of plant and machineries dated 15.12.2025.



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For Petitioners : Mr. S.Doraisamy
For Respondents : Mr. M.Suresh Kumar
Additional Advocate General

Assisted by
Mr. D.Gopal
Government Advocate

Mr. V.G.Vijay Raj
Advocate Commissioner.

ORDER

This writ petition has been filed for the following relief:

“calling for the records relating to the certificate for plant and machineries issued by the 3rd respondent dated 15.12.2025 issued in covering letter in Lr No CRIF-16/2025-26/ AE/1-I/ dated 15.12.2025 on the file of the 2nd respondent quash the same and direct the respondents to conduct re-inspection of plant and machinery of the petitioner and reissue the proper working conditions of plant and machinery certificates in Tender Notification in Tender Notice No 17/HDO/NH/2025-26



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dated 02.12.2025 in respect of work in Sl.No.2 (Job No.TN-CRIF-2025-26-SLM-16) on the file of the 1st respondent and also not to reject the bid of the petitioner based upon the certificate of plant and machineries dated 15.12.2025”.

2. The facts in a nutshell are as follows.

3. The petitioner is a State Level First Class Contractor under the Highways Department, namely, the 1st respondent herein. The 1st respondent had issued a tender notification for road widening from single lane and strengthening construction of culvert and box culvert, construction of retaining wall etc., As per terms of the tender notification, bid was to be submitted online upto 15.00 Hrs. on 18.12.2025. The tender documents which were received online was to be opened on 19.12.2025 at 15.00 Hrs.

4. The petitioner would submit that on 09.12.2025, they had made an application to the 2nd respondent both through RPAD as well



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as an e-mail, seeking work site inspection certificates and working condition of the plants and machineries certificates. However, these certificates have not been issued. Therefore, the petitioner had filed a writ petition in WP.No.49112 of 2025 seeking mandamus for issuance of the said certificates.

5. The petitioner would submit that pending the writ petition, the 3rd respondent along with the Assistant Engineer (QC) had visited their Central Hot Mix Plant erected at Puliyankurichi Road, Thalaivasal Taluk. However, the machinery was not tested nor trial run conducted. Further, they had not expressed any dissatisfaction regarding working condition of the machinery. The petitioner was under the genuine impression that certificates would be issued. Further, the learned Government Advocate on 15.12.2025, had submitted that certificates would be issued by the end of the day, i.e., on 15.12.2025. Recording this statement, the said writ petition was disposed of.

6. However, to the shock of the petitioner at about 04.30 pm, on 15.12.2025 the petitioner was issued with work site inspection report



and the certificate for working condition of the plant and machinery in which it was stated that the Central Hot Mix Plant was not working.

On the basis of this report, the petitioner's bid has not been considered.

Therefore, the petitioner is before this Court seeking to quash the said order.

7. Heard the learned counsels on either side and perused the records.

8. From the records it is seen that when the matter had come up on 19.12.2025, the petitioner had contended that all the machineries are in working condition including Central Hot Mix Plant which statement was refuted by the learned Government Advocate. Therefore, an Advocate Commissioner was appointed to conduct inspection with reference to the working condition of the plant and machinery. He was directed to file his report.

9. Pursuant to the same, the learned Advocate Commissioner has also inspected the machineries and submitted a report stating that on



24.12.2025, when he had inspected the machinery, the machinery was in working condition.

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10. The learned Government Advocate would however submit that plant and machineries were inspected on 12.12.2025, 19.12.2025, 21.12.2025 and 23.12.2025. The inspection report along with photographs of the machineries were also been filed as an additional typed set of papers, in which it is seen that from 12.12.2025 till 19.12.2025, around Central Hot Mix Plant there are overgrown plants, which indicates that the machinery has not been put to use and it is only on 21.12.2025 that steps have been taken to clear the overgrown plants from the machineries.

11. However, in the earlier writ petition in WP.No.49112 of 2025 when orders were passed on 15.12.2025, the respondents have not stated that the machineries were not in a state of disuse. On the contrary, the statement that had been made on instructions by the learned Government Advocate was as follows:



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“The learned Government Advocate, on instructions, fairly submitted that since, today is the last date for submitting the work Site Inspection Certificate and Working Condition of the Plants and Machineries certificate, the certificates will be issued to the petitioner by today itself”.

12. Therefore, in the light of the above statement and in the light of the report of the learned Advocate Commissioner that the machineries are in a working condition, the writ petition stands disposed of with the following directions:

“(i)The respondents are directed to open the bid on 05.01.2026, including the bid of the petitioner along with the certificates issued on 24.12.2025.

(ii)The respondents shall not await certified copy of this order.”



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13. Consequently, the connected miscellaneous petitions are closed. No costs. The respondents shall not await a copy of the order as orders are pronounced in the presence of the learned Government Advocate.

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Index : Yes/No
Internet : Yes/No

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