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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2026

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1986 of 2026

and

W.M.P(MD)Nos.1570 & 1571 of 2026

Alexander Construction,
Represented by its Partner Alexander, ...Petitioner

Vs

1. The Director of Town Panchayat,
Nagercoil Zone, Kanyakumari District.

2. The Executive Officer / Tender Inviting Authority,
Alagapuram Town Panchayat,
Kanyakumari District.

3. The Junior Engineer,
Alagapuram Town Panchayat,
Kanyakumari District

4. S.Sahaya Thatheyoush ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the Impugned Order dated 09.01.2026 passed by the 2nd respondent in so far as acceptance of the technical bid of the 4th respondent concerned and consequent rejection impugned order of Petitioner bid and consequent acceptance of the 4th Respondent price bid by the 2nd Respondent on 13.01.2026 at 10.40 Am and



quash the same as illegal and consequently declared the Petitioner as successful bidder in the tender reference number 738/2025/A1 for the work of “Providing CC Road of Zion Vasal Street and south Bharavathipuram 1st North Side Street in Azhagappapuram Town Panchayat.

(prayer is amended vide Court order dated 28.01.2026 in WMP(MD)No.1725 of 2026 in WP(MD)No.1986 of 2026)

For Petitioner	: M/s.R.Maheswaran
For Respondents	: M/s.M.Ajmal Khan Additional Advocate General assisted by M/s.D.Farjana Ghoushia Special Government Pleader for R1 and Mr.P.Subbaraj Special Government Pleader for R2 and R3 Mr.N.Dilipkumar for R4

ORDER

The present writ petition has been filed challenging the acceptance of the technical bid as well as the price bid of the 4th respondent pursuant to tender reference No.738/2025A1 for the work Providing CC Road of Zion Vasal Street and south Bharavathipuram 1st North Side Street in Azhagappapuram Town Panchayat.

2. According to the learned Counsel appearing for the writ petitioner, there is blatant violation in accepting the technical bid of the 4th respondent which is clearly in violation of the tender specification.



3. The learned Additional Advocate General appearing for the respondents 1 to 3 submitted that only after going through the tender documents of the 4th respondent, he was found to have complied with the tender conditions and the technical bid was accepted. He further submitted that the petitioner has to invoke the appeal remedy.

4. The learned counsel appearing for the 4th respondent submitted that the petitioner did not raise any objections with regard to the technical bid of the 4th respondent till the price bid of the 4th respondent was opened. Therefore, there is delay in challenging the acceptance of the technical bid of the 4th respondent.

5. I have considered the submissions made on either side and perused the materials available on record.

6. The learned Counsel appearing for the petitioner has produced voluminous typed set of papers to contend that the acceptance of the technical bid of the 4th respondent is clearly in violation of the specifications mentioned in the tender notification. Considering the fact that this Court is not the competent to evaluate the tender and the availability of the effective alternative remedy of filing an appeal under Section 11 of the Tender Transparency Act, this Court is not inclined to entertain the present writ petition.



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7. Accordingly, this writ petition stands disposed of with liberty to the petitioner to prefer an appeal to the competent authority under Section 11 of the Tender Transparency Act. In case if any such appeal is filed, the same shall be disposed of within a period of four weeks from the date of receipt of the appeal after giving due opportunity to the respondents. No costs. Consequently, connected miscellaneous petitions are also closed.

28.01.2026

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1. The Director of Town Panchayat,
Nagercoil Zone, Kanyakumari District.
2. The Executive Officer / Tender Inviting Authority,
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Kanyakumari District.
3. The Junior Engineer,
Alagapuram Town Panchayat,
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R.VIJAYAKUMAR, J.

RJR

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