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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 18.12.2025

Pronounced on : 08.01.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.27793 and 29745 of 2025

and

W.M.P(MD)Nos.21570, 21574, 21577, 23006, 23008, 23009
and 23011 of 2025

W.P.(MD)No.27793 of 2025

Velan Builders (P) Ltd.,
Rep. by its Managing Director,
V.Kannaiyan

... Petitioner

Vs.

1. The Superintending Engineer,
(Highways Department), NABARD and Rural Roads,
Tiruchirappalli.

2. The Divisional Engineer (Highways Department),
NABARD and Rural Roads,
Pudukkottai

3. Dharmaraj,
The Superintending Engineer (Highways Department),
NABARD and Rural Road,
Tiruchirappalli.

4. Srinivasan,
The Divisional Engineer (Highways Department),
NABARD and Rural Road,
Pudukkottai.

...Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus thereby call for the records of the 2nd respondent in Letter No.478/JDO/2025 dated 30.09.2025 and quash the same as illegal and arbitrary and in consequence thereof direct the 1st respondent to consider the bid submitted by the petitioner for the works covered in Sl Nos. 1,2,3,4,5 of the tender notice No.32/2025-26/SDO dated 15.09.205 and declare him as eligible to participate in the tender process.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mrs.D.Farjana Ghoushia
Special Government Pleader
for R1 and R2
Mr.G.Prabhu Rajadurai
for Mr.K.Jeyamohan for R3 and R4

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W.P.(MD)No.29745 of 2025

Velan Builders (P) Ltd.,
Rep. by its Managing Director,
V.Kannaiyan

... Petitioner

Vs.

1. The Superintending Engineer,
(Highways Department), NABARD and Rural Roads,
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The Superintending Engineer (Highways Department),
NABARD and Rural Road,
Tiruchirappalli.

4. Srinivasan,
The Divisional Engineer (Highways Department),
NABARD and Rural Road,
Pudukkottai.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARIFIED MANDAMUS thereby call for the records relating to the impugned order of rejecting the petitioner's bid submitted by online by the 1st respondent on 08.10.2025 at 05.07 p.m., and quash the same as illegal and arbitrary and in consequence thereof declare the bid submitted by the petitioner as eligible to participate in the tender without production of Site Visit Certificate and Working Condition of Plant and Machineries Certificate from the 2nd respondent and further direct the 1st respondent to finalize the tender process in accordance with regard to the work covered in Sl.No.1 of the tender notice No.32/2025-26/SDO issued by the 1st respondent.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mrs.D.Farjana Ghoushia
Special Government Pleader
for R1 and R2
Mr.G.Prabhu Rajadurai
for Mr.K.Jeyamohan for R3 & R4

* * * * *



COMMON ORDER

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These writ petitions have been filed by one M/s.Velan Builders Private Limited challenging the orders passed by the respondent officials dated 30.09.2025, wherein the request of the petitioner for issuance of working condition of plants and machineries certificate has been rejected and the consequential rejection of bid dated 08.10.2025.

2. The first respondent in the writ petition had issued tender notice No. 32/2025-26/SDO, dated 15.09.2025 inviting applications for percentage bid under two cover system through online for TRY-62 to TRY-69. As per the said notification, the tenderer should submit his application for issuance of work site inspection certificate and working condition of plants and machineries certificate on or before 26.09.2025 upto 17.45 hours. The last date for receipt of the said certificate is on or before 03.10.2025. It is further made clear in the notification that any application received after 26.09.2025 beyond 17.45 hours will not be accepted.

3. The petitioner herein made an application to the second respondent on 25.09.2025 seeking issuance of plants and machineries certificate for participation in TRY-62 to TRY-66. Based upon the said application, the order



impugned in the writ petition came to be passed by the second respondent on 30.09.2025 rejecting the request of the petitioner on the sole ground that the petitioner has not enclosed any supporting documents to establish his ownership with regard to static roller which is a mandatory construction equipment required for participating in the tender. Challenging the said order, W.P.(MD)No.27793 of 2025 has been filed. Due to non-submission of the relevant certificate, the tender bid of the petitioner's firm was rejected by an order dated 08.10.2025. Challenging the said consequential order, W.P.(MD)No. 29745 of 2025 has been filed.

The submission of the learned Counsels appearing on either side:

4. According to the learned counsel appearing for the writ petitioner, one M/s.Murugesan, who is a Contractor had convened a meeting of the Contractors on 27.09.2025 and 28.09.2025 and he had demanded 20% of the value of the work for finalisation of the tender works. According to him, the officials of petitioner's firm who had participated in the said meeting had not agreed for the same. Therefore, the present impugned order has been passed only at the instance of the said Murugesan.



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5. The learned Counsel appearing for the writ petitioner submits that he had purchased the static roller under sale deed dated 16.05.2025 and the tax invoice has also been raised on the said date. Even though both the documents were submitted before the second respondent, without properly appreciating the said documents, with an ulterior motive, the order impugned in the writ petition has been passed rejecting the request of the petitioner for issuance of the certificate. He further submits that in case if the second respondent has demanded the production of tax invoice, he would have produced the same.

6. The learned Counsel appearing for the writ petitioner further submits that another tender notification was issued on 15.10.2025 for which a certificate has been issued by the second respondent. According to him, the officials with an malafide intention and in collusion with the Contractor, namely, Murugesan have passed the present impugned order. He further submits that the said Contractor had demanded more than Rs.1/- Crore during the earlier tender process and when he expressed his unwillingness, he had declared that he will not allow the petitioner's firm to participate in the tender work. Therefore, the present impugned order has been passed only in collusion with the said Contractor.



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7. Per contra, the learned Additional Advocate General appearing for the respondents 1 and 2 submits that the petitioner has not enclosed either a sale deed or a tax invoice before the second respondent. They have been produced only along with the writ petition. He further submits that the sale deed was not enclosed in the earlier typed set of papers filed along with the writ petition. It is enclosed in the additional typed set of papers which was filed much belatedly. According to him, as per the tender conditions, the tenderer is expected to mandatorily produce the records to establish his ownership over the plants and machineries. During the desk verification, only when the documents establish ownership, thereafter, site inspection would be conducted. In the present case, since there were no documents to establish his ownership, site inspection was not conducted. He further submits that the allegation about the other Contractors have nothing to do with the present impugned order. Admittedly, the petitioner has not enclosed any documents to establish his ownership and therefore, the impugned order may be sustained.

8. I have considered the submission made on either side and perused the materials available on record.



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9. A perusal of the annexure 1 of clause 5.9 (b) of the tender notification reveals that the tenderer is mandated to produce records to establish his ownership over the plants and machineries for which certificates are being sought for. It is not in dispute that static road roller is one of the machineries which is catalogued as a mandatory equipment in annexure 1 of the tender notification.

10. It is the contention of the learned counsel for the petitioner that he had purchased the static road roller from one M.Kavitha Murugan under document dated 16.05.2025. He had also enclosed the said sale deed while applying for the said certificate. However, he admits that the tax invoice was not enclosed when application was made seeking certificate. The enclosure for the sale deed at the time of application for certificate was disputed by the second respondent in his counter affidavit. Therefore, this Court has called for the original documents submitted by the writ petitioner. A perusal of the same reveals that the petitioner has neither enclosed the sale deed nor the tax invoice while he had made an application seeking certificate. Therefore, the rejection order has been passed on 30.09.2025.



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11. The present writ petition has been filed on 06.10.2025 enclosing the tax invoice which was not part of the application made to the authorities. In the typed set of papers, the sale deed was not enclosed. The additional typed set of papers was filed on 29.10.2025 enclosing the sale deed for static roller in favour of the petitioner. It reveals that non-judicial paper has been purchased on 16.05.2025 whereas the document was executed on 24.07.2025. As rightly contended by the learned Additional Advocate General appearing for the respondents 1 and 2, the sale deed which was produced in the additional typed set of papers raises doubt over the discrepancy in the dates, especially when the tax invoice dated 16.05.2025.

12. The petitioner has neither enclosed the sale deed nor the tax invoice while making an application to the authorities seeking certificate. Therefore, the authorities cannot be found fault with for rejecting the request of the petitioner for issuance of such certificate. Only if the authorities are satisfied over the documents produced at the time of desk verification, they are expected to make site inspection to physically verify the plants and machineries.



13. The petitioner has made allegations as against a private Contractor who has not been impleaded in the writ petition. Therefore, this Court is not inclined to consider those allegations for disposal of the present writ petitions especially in the light of the fact that the petitioner has not at all produced any documents to establish his ownership over the static road roller so as to enable him to get the certificate. In such circumstances, the technical bid submitted by the petitioner has to be naturally rejected by the authorities for non-production of relevant certificate. Therefore, the order impugned in W.P.(MD)No.29745 of 2025, also does not warrant any interference.

14. In view of the above said deliberations, there are no merits in these writ petitions. Accordingly, these writ petitions stand dismissed. No costs. Consequently, connected writ miscellaneous petitions are also closed.

08.01.2026

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

RJR



To

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(Highways Department), NABARD and Rural Roads,
Tiruchirappalli.
2. The Divisional Engineer (Highways Department),
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Pudukkottai.



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R.VIJAYAKUMAR, J.

RJR

Pre-delivery order made
in
W.P.(MD)Nos.27793 and 29745 of 2025

08.01.2026