

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 27.05.2020**

**CORAM**

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU**

**W.P.Nos.7621 to 7639, 7551 & 7496 of 2020**

**and**

**W.M.P.Nos.8960, 8961, 8962, 8963, 8964, 8965, 8966, 8967, 8968, 8969,  
8970, 8971, 8972, 8973, 8974, 8975, 8976, 8977, 8978, 8979, 8980, 8981,  
8982, 8983, 8984, 8985, 8986, 8987, 8988, 8989, 8952, 8953, 8954, 8955,  
8957, 8958, 8959, 8960 of 2020**

M.Kalidasan ...Petitioner in W.P.No.7621/2020

G.Senthilkumar ...Petitioner in W.P.No.7622/2020

V .Rajagopal & CO,  
Rep. By its Managing  
Partner, Suresh Babu  
V.,S/o.Rajagopal, 244,  
Philomina Nagar,  
3<sup>rd</sup> Street, N.K. Road,

Thanjavur – 613 006 ... Petitioner in W.P.No.7623/2020

M/s.Srinivas Construction,  
Rep. By its Managing  
Partner, S.Selvaraj,  
S/o.Srinivasan,

11, Krishnappan East Street,  
Kumbakonam – 612 001 ...Petitioner in W.P.No.7624/2020

M.Rajendran ...Petitioner in W.P.No.7625/2020

V.Sivakumar ...Petitioner in W.P.No.7626/2020

Mohankumar ...Petitioner in W.P.No.7627/2020

Sri Swetha Constructions  
Rep. by its Managing partner  
Ganapathy ...Petitioner in W.P.No.7628/2020

N.Elavarasu ...Petitioner in W.P.No.7629/2020

Sathanantham ...Petitioner in W.P.No.7630/2020

G.Rajagopalan ...Petitioner in W.P.No.7631/2020

M/s.Selvi Constructions,  
Rep. By its Managing  
Partner, Kathiravan, S.,  
S/o.Selvam, No.1/121, West  
Street,  
Kalimedu, Thanjavur – 613 002 ...Petitioner in W.P.No.7632/2020

R.V. Constructions,  
Represented by its Managing  
Partner, Sivamaran,  
V.,S/o.Venkatachalam, 14, 1<sup>st</sup>  
Floor, Second Street, Kulanthai  
Ammal Nagar, Pudukkottai Road,  
Thanjavur – 613 007. ...Petitioner in W.P.No.7633/2020

Selvakumaar B ...Petitioner in W.P.No.7634/2020  
M.Thiagarajan ...Petitioner in W.P.No.7635/2020  
V.Gnanaprakasam ...Petitioner in W.P.No.7636/2020  
Manikannan ...Petitioner in W.P.No.7637/2020

M/s.SDC Engineering Projects Private Limited,  
Rep. By its Managing Director,  
Thamaraiselvi,  
11, Sarangapani Sanathi,  
Kumbakonam ...Petitioner in W.P.No.7638/2020

M/s. RMR Engineering Contractor Private Ltd.,  
Rep. By its Managing Director,  
R. Mohan Raj, S/o.  
Rethnasamy, No.21-A, 2<sup>nd</sup>  
Street,  
Arulananda Ammal Nagar,  
Thanjavur – 613 007 ...Petitioner in W.P.No.7639/2020

Selvendran ... Petitioner in W.P.No.7551/2020

Durai Jayakumar ... Petitioner in W.P.No.7496 of 2020

v.  
सत्यमेव जयते

1. The State of Tamil Nadu,  
Rep.by its Principal Secretary to Government,  
Highways and Minor Ports Department  
Fort St.George, Chennai 600 009.
2. The Chief Engineer, ,  
Highways Department,  
P.W.D.Campus, Chepauk,  
Chennai 600 005.

3. The Superintending Engineer,  
Construction and Maintainance,  
Highways Department, Trichy. ...Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the entire records leading to the issue of G.O.Ms.No.40, Highways and Minor Ports (HQ1) Department dated 19.02.2020 on the file of the first respondent and the consequential works in Tender Notice bearing Tender Notice No.37/2019-2020 HDO, dated 25.02.2020 on the file of the third respondent and quash the same.

For Petitioners : Mr.AR.L.Sundaresan  
Senior Counsel for Mr.K.Sridhar  
(in W.P.No.7551/2020)  
Mr.G.Masilamani  
Senior Counsel for Mr.K.Sridhar  
(in W.P.Nos.7496 & 7622  
to 7639 of 2020)

For Respondents : Mr. S.R. Rajagopal,  
[in all Wps] Addl. Advocate General  
Assisted by  
Mr.S.Thangavel  
Special Govt. Pleader

**COMMON ORDER**

This matter is taken up for hearing through Video-Conferencing mode.

2. This batch of case is filed challenging both the Government Order and the tender notification impugned in these writ petitions.

3. A counter affidavit is filed and rejoinder to the counter is also filed. Therefore, this matter needs to be heard finally.

4. To consider the respective pleadings and submissions of the respective parties, this Court is of the view that such final hearing cannot be done by way of Video-Conferencing mode. Therefore, this Court is of the view that the matter needs to be heard in open Court. However, as it is apprehended by the learned Senior Counsels appearing for the petitioners that the last date for submitting the tender is fixed on 29.05.2020 and opening of technical bid is fixed on 01.06.2020 and therefore, unless some interim protection is given, third party interest would be created which would complicate the hearing of the matter further.

6. The learned Additional Advocate General appearing for the respondents, based on instructions, fairly submitted that since 90 days time prescribed under the relevant enactment is going to be over from the date of issuance of tender notification, the authorities may be permitted only to

**K.RAVICHANDRABAABU.J.,**

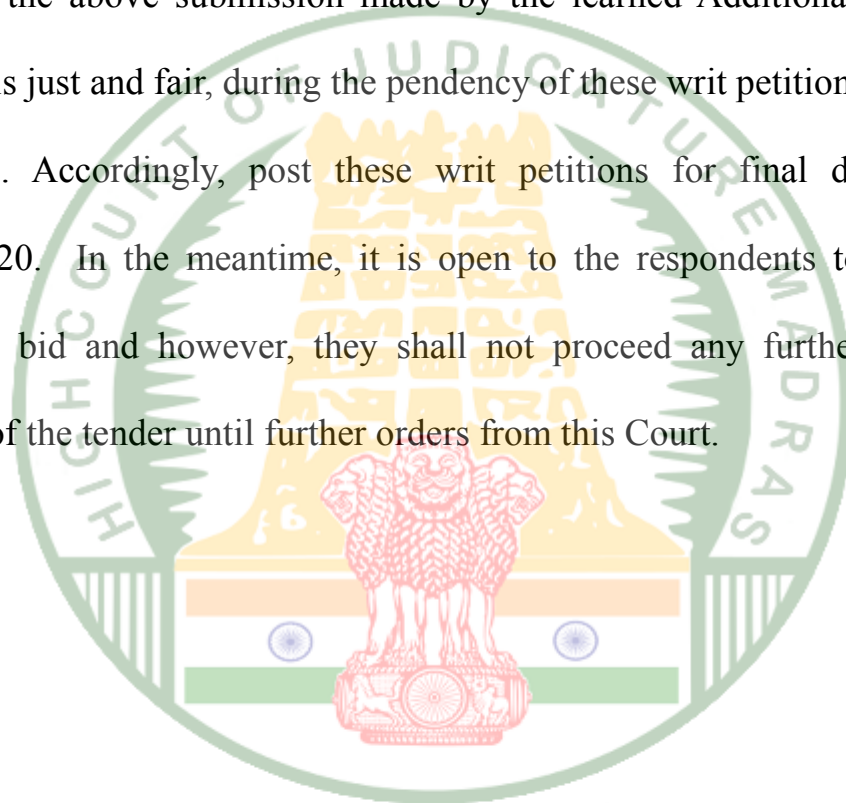
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open the technical bid and however, they will not proceed further. I consider the above submission made by the learned Additional Advocate General is just and fair, during the pendency of these writ petitions.

7. Accordingly, post these writ petitions for final disposal on 17.06.2020. In the meantime, it is open to the respondents to open the technical bid and however, they shall not proceed any further with the process of the tender until further orders from this Court.

27.05.2020

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**W.P.Nos.7621 to 7639,**

**7551 & 7496 of 2020**

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