

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 201 / 2001

PETITIONER : Sayeed Mohemmad Akbar, Son
of Sayeed Mohammad Nayeem,
aged about 28 years, occupa-
tion Business (Contractor)
Resident of Naya Sarkanda,
Bilaspur, Chhattisgarh.

P. R. No. 232/07
Filed by Shri. A. S. Singh
Dated 15.2.2001

Versus

RESPONDENTS : 1. ✓ Municipal Corporation, Bilaspur
through its Commissioner.
2. ✓ Commissioner, Municipal Corpo-
ration, Bilaspur, C'Garh.
3. ✓ Mayor, Municipal Corporation,
Bilaspur, Chhattisgarh.

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT / WRITS IN THE
NATURE OF CERTIORARI, MANDAMUS, PROHIBITION &
FOR OTHER WRIT/WRITS, DIRECTION/DIRECTIONS,
ORDER/ORDERS.

आदेश पत्रक
W.P.No. 201/2001

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मामला क्रमांक

सन् 200

विरुद्ध

आदेश का
दिनांक आदेश
क्रमांक सहित

आदेश हस्ताक्षर सहित

कार्यालयीन मामलों में डिप्टी रजिस्ट्रार
के अन्तिम आदेश29.3.2001

Petitioner by Shri Manindra Shrivastava, Advocate.

Respondents no. 1 and 2 by Shri Sanjay K. Agarwal,
Advocate.

Shri Rajesh Pandey learned counsel for the intervenor.

Parties are heard.

By this petition the petitioner has prayed for the relief that the respondents be directed to open the tenders without further loss of time and take a decision in accordance with law. The respondents present in the Court oppose the petition on various grounds. The Intervenor appears and says that he had already filed a civil suit before the competent Court challenging the process in which the tenders were invited.

It is not in dispute before me that during the pendency of this petition the State Government exercising its powers of superintendence vesting in it under the provisions of Municipal Corporation Act has directed the respondents no. 1 and 2 to open the said tenders. In view of the said directions the petitioner now submits that the petition virtually has become infructuous and the respondents in accordance with the directions of the State Government are duty bound to open the tenders.

Shri Sanjay K. Agarwal, learned counsel for the

[पीछे देखिये]

आदेश पत्रक (पुर्बानुबन्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित 1005/103 .08.9.V	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>respondents no. 1 and 2 submits that against the said orders issued by the State Government the respondents have made representations to the State Government. According to him the matter is still subjudice before the State.</p> <p>Shri Pandey, learned counsel for the Intervenor submits that as the tender process of N.I.T. ^{store} vitiated because of the non-observance of the mandatory Rules at this stage nothing is required to be done in this petition.</p> <p>In view of the order passed by the State Govt. requiring the respondents to open tenders nothing further is required to be done in the matter. It is, however, made clear that the State Govt. while hearing the objections of the respondents shall also issue notice to all the tenderers so that orders against the interest of the one or other party are not passed behind their back.</p> <p>So long as the representations are pending consideration before the State Govt. this Court is not required to decide the matter on merits. It is, however, made clear that if the State Govt. rejects the representations and the said order of rejection is not challenged by the respondents then in accordance with the ^{of State Govt R} State directions the respondents shall open tenders and pass further orders. If the representation</p>	<p>7</p>

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आदेश पत्रक
W.P.No. 201/2001

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p style="text-align: center;">- 3 -</p> <p>are accepted and the earlier order passed by the State Government is recalled or reviewed then the petitioner shall have liberty to approach this Court again.</p> <p>The petition is disposed of. No costs.</p> <p>Certified copy, today.</p>	<p style="text-align: center;">Sd/- R.S. Garg Judge</p>

Thakur.

[पीछे देखिये]