

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30/08/2011****C O R A M****THE HONOURABLE Mr.JUSTICE S.MANIKUMAR****Writ Petition (MD)No.9739 of 2011**

K.Karuppiah
S/o.Kalimuthu
Muthuramalinga Thevar Nagar
Rameswaram
Ramanathapuram District.

...Petitioner

Vs

The District Manager (TASMAC)
Tamil Nadu State Marketing
Corporation Limited,
Ramanathapuram District,
Ramanathapuram.

...Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned tender notification issued by the respondent herein published in a daily "Dinamalar" dated 09.08.2011 and quash the same consequently direct the respondent herein to issue a fresh tender notification.

For petitioner ...Party-in-person

For respondents ...Mr.M.Muniasamy

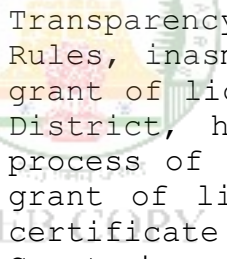
O R D E R

Mr.Karuppiah, party-in-person, appeared and submitted that as per the directions of this Court, dated 26.08.2011, he was furnished with tender schedule for shop No.6846 Mandapam and that the same has also been received.

2. On instructions, Mr.M.Muniasamy, learned counsel for the respondent Corporation, submitted that the tender schedule submitted by the writ petitioner was received and that tenders schedule were also opened on 29.08.2011. The submission is placed on record.

3. However, the party-in-person made his submissions that though, the tender schedule was received, he was not allowed to be present at the time of opening of the tender and that the Police had chased them away. His submission is placed on record.

4. Material on record shows that earlier, when a complaint of not receiving the application form for issuance of tender schedule was made, this Court directed the District Manager, Tamil Nadu State Marketing Corporation, Ramanathapuram, to receive the application Form with required fee of Rs.520/- from the petitioner and issue the tender schedule form forthwith. Now that, the petitioner-in-person has submitted that the filled in tender schedule form submitted by him has been received, there is no need to adjudicate the contentions regarding the validity of the tender notification, which stipulates a condition that the tender schedule shall not be received either by post or by courier. Even assuming that the notification, dated 09.08.2011, is not in conformity of the Tamil Nadu



Transparency in Tender Rules 2000, as against the Rule 18(3) of the said Rules, inasmuch as the tender schedule form submitted by the petitioner for grant of licence to a bar attached to shop No.6486 Mandapam, Ramanathapuram District, has been received and having regard to the fact that as the process of tender notification is partly over except, the confirmation and grant of licence to the higher bidder, who had submitted a no objection certificate from the respective land owner for location of IMFL bar, this Court is not inclined to set aside the impugned tender advertisement. Accordingly the writ petition is dismissed. However, the dismissal of the writ petition will not foreclose the right of the petitioner to vindicate his rights before the competent authorities, if there are irregularities in the matter of granting licence. No costs. Consequently connected miscellaneous petitions are closed.

SD/-

Deputy Registrar (Writs)

/True copy/

Assistant Registrar

To

The District Manager (TASMAC)
Tamil Nadu State Marketing
Corporation Limited,
Ramanathapuram District,
Ramanathapuram.

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**Writ Petition No.9739 of 2011
and M.P.Nos.1 and 2 of 2011
30/08/2011**

TR L 13.09.2011 : 2p/2c