

WP(MD).No.29426 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

WP(MD) No.29426 of 2025

and WMP(MD).Nos.22740 & 22741 of 2025

and WMP(MD).No.3403 of 2026

Kailash Kumar

.....Petitioner

Vs

1.The Director of Town Panchayat
8th Floor, Urban Administrative Company
Raja Annamalaipuram, Chennai

2.The Executive Officer
Suchindrum Town Panchayat

3.C.Thanganadar

4.The Director of Vigilance and Anti-corruption
No.293, M.K.N. Road, Alandur
Chennai 600 016
Tamil Nadu

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to re-tender in Ref.No.403/2025/A1 dated 14.07.2025 issued by the second respondent, titled 'Providing Cement Concrete Road at South Car Street, Thanumalyannager, Chidhamparapuram Road, Sahayapuram, Karayankuzhi



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Road, Anjeneyar Nagar Road in Suchindrum Town Panchayat' and quash the same and consequently, direct the 4th respondent to conduct an enquiry in accordance with law.

For Petitioner : Mr.P.Puhazhgandhi

For Respondents :Mr.M.Gangatharan
Government Advocate for R1

: Mr.M.Ajmalkhan
Additional Advocate General
Assisted by Mr.P.T.Thiraviam
Government Advocate for R2

:Mr.R.Paranjothi for R3

:M/s.M.Aasha
Government Advocate(Crl.Side) for R4

ORDER

The present writ petition has been filed challenging the re-tender notification issued by the second respondent herein on 14.07.2025 and a direction to the fourth respondent to conduct an enquiry in accordance with law.

2.A perusal of the records reveal that initially a tender notification was issued for the above said work on 28.05.2025. The petitioner along with third respondent and others have submitted their bids. The petitioner has raised serious objection with regard to the alleged fake documents said to have been



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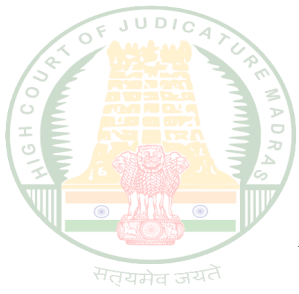
produced by the third respondent in the above said tender. The tender came to be cancelled on 14.07.2025. Thereafter, the present impugned second tender notification has been issued on 14.07.2025. Again the petitioner as well as the third respondent have submitted their bids for the same.

3. According to the learned counsel for the writ petitioner, though the technical bid should have been opened on 31.07.2025, it was opened only on 29.08.2025. The results of the opening of the technical bid was not informed to the petitioner and it was kept secretly. However, the third respondent is continuing with the work without opening of the technical bid, price bid or issuance of any work order.

4. In the meantime, the petitioner had filed WP(MD).No.22100 of 2025 before this Court seeking a mandamus directing the respondents 1 and 2 to blacklist the third respondent from participating in future tender in accordance with law based upon his representation dated 01.07.2025. This Court by an order dated 12.08.2025 has passed the following order.

Paragraph No.4 is extracted as follows:

“4. These are the matters which are required to be examined by the first respondent. Considering the same, this writ petition is disposed without expressing any opinion on merit, by directing the first respondent to consider the petitioner's representation dated 01.07.2025 to blacklist the third respondent.



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Needless to state that before blacklisting the third respondent, the third respondent shall be heard. The petitioner may also be permitted to make submissions, in case, the request of the petitioner is to be rejected.

5.In the meantime, the re-tender notification was issued on 14.07.2025. Therefore, the petitioner has filed the present writ petition on 14.10.2025. This Court by an interim order dated 17.10.2025 had directed that the order passed in WP(MD).No.22100 of 2025 dated 12.08.2025 should be complied with, before that, the successful bidder should not proceed with the work until further orders of the Court.

6.The petitioner as well as the third respondent herein were called for an enquiry by the Director of Town Panchayat and after considering their submissions, an order came to be passed by the Director of Town Panchayat on 24.12.2025 rejecting the request of the writ petitioner and holding that the third respondent need not be blacklisted.

7.According to the learned counsel for the writ petitioner, the order copy has not been served upon him.

8.In the meantime, the learned counsel for the writ petitioner contends that the entire notification has been customised and the third respondent should not have been permitted to participate and therefore, he is questioning the re-issuance of the tender notification.



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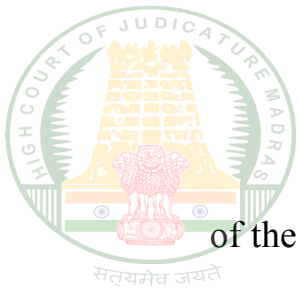
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9. The learned Additional Advocate General appearing for the official respondents submits that the petitioner has not challenged the cancellation of the first notification and he has challenged the second notification only after the price bids were opened and the work order was issued in favour of the private respondent. He further submits that after the petitioner having participated in the tender process and submitted his bids, he is estopped from questioning the tender notification.

10. Heard both sides and perused the material records.

11. The present writ petition has been filed on 14.10.2025 challenging the second re-tender notification issued by the second respondent on 14.07.2025. It could be seen from the records that the petitioner has also submitted his bids pursuant to the tender notification dated 14.07.2025.

12. The learned counsel appearing for the writ petitioner is not able to convince the Court with regard to the Clauses which are sought to be attacked by the writ petitioner in the second tender notification dated 14.07.2025. In such circumstances, when the petitioner has already participated in the tender process and submitted his bid, merely because his technical bid was rejected, he cannot choose to challenge the tender notification itself. It is always open to the petitioner to challenge the rejection of his technical bid or acceptance



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of the technical bid of the third respondent. Without doing so, the present writ petition having been filed on 14.10.2025 challenging the tender notification is clearly not maintainable and therefore, there are no merits in the writ petition.

13.In fine, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.02.2026

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

Note: Issue order copy on 20.02.2026.



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R.VIJAYAKUMAR, J.

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