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Nirman Singh Contractor and Builders Welfare Association (Regd) Vs. M.C.D.

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SooperKanoon Citation : sooperkanoon.com/709206

Court : Delhi

Decided On : Oct-24-2005

Reported in : 2005(2)CTLJ333(Del); 124(2005)DLT714; 2005(85)DRJ206

Judge : Markandeya Katju, C.J. and; Madan B. Lokur, J.

Appeal No. : W.P. (C) 20316/2005 and CM 13243/05

Appellant : Nirman Singh Contractor and Builders Welfare Association (Regd)

Respondent : M.C.D.

Advocate for Def. : Ashok Bhasin, Adv.

Advocate for Pet/Ap. : Ansuya Salwan, Adv

Disposition : Petition dismissed

Judgement :

Markandeya Katju, C.J.

1. This petition has been filed for a writ of certiorari to quash an order dated 14.9.2005 by which all tenders have been directed to be processed only through e-tendering. The Petitioner has also prayed for a mandamus to be issued to the respondents to adopt both the procedures of e-tendering and manual tendering.

2. In our opinion there is no merit at all in this petition. It is well settled that the court does not interfere in policy matters. It is only where the policy is in clear violation of some statutory or constitutional provision or is shockingly arbitrary that the court can interfere. Within the parameters of the law it is open to the authority to take any decision as it deems fit and it is not for this court to decide whether the decision was wise or unwise. The authorities are experts in the matter and in any case this Court cannot ordinarily interfere in matters relating to administrative policy vide *Tata Cellular v. Union of India* : AIR 1996 SC11 . The entire case law on the point has been considered in *Rama Muthuramalingam v. Dy. Superintendent of Police* : AIR2005 Mad1 , and hence we are not repeating the same.

3. It was submitted by the learned counsel for the petitioner that many of the tenderers are not properly educated and cannot do e-tendering. This will be just like saying that a boatman who earns his livelihood by taking persons across a river which does not have a bridge can file a writ petition challenging construction of a bridge on the ground that if the bridge is constructed he will lose his livelihood. In our opinion progress in science and technology cannot be stalled by the court in this manner.

4. There is no force in this petition which is dismissed.

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