



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.9690 of 2011

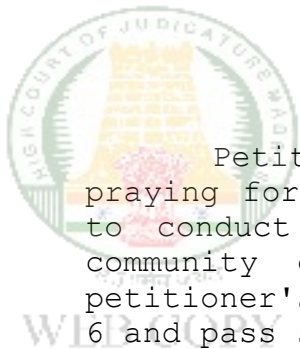
Puthirai Vannar Samuga Kalvi Matrum Porulathara
Mempattu Peravai, represented by its
Secretary, S.Chellakannu,
Thathampatti Colony 1st Ward,
Vadipatti Post,
Madurai District.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
repd. By its Secretary,
Public Department,
Fort St., George,
Secretariat,
Chennai - 600 009.
- 2.The Government of Tamil Nadu,
rep by its Secretary,
Adi Dravidar Welfare Department,
Ezhilagam, Chepauk,
Chennai.
- 3.The Managing Director, TAHDCO Head Office,
Housing Board Complex,
Thirumangalam,
Chennai.
- 4.The General Manager (Technical),
TAHDCO Head Office,
Housing Board Complex,
Thirumangalam, Chennai.
- 5.The District Collector,
Madurai District, Madurai.
- 6.The Executive Engineer,
TAHDCO, Madurai Division Office,
Madurai.
- 7.S.M.Sankar
- 8.S.Muthukumar
- 9.M.Yesothai
- 10.M.Raja Deepan

... Respondents



Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 5th respondent to conduct the enquiry and take necessary action with regard to the community certificate of the Respondents No.7 to 10 based on the petitioner's representation dated 23.05.2011 made to the Respondents 1 to 6 and pass such further or other orders as this Court may deem fit.

For Petitioner	: Mr.R.Saravanan
For Respondents 1,2&5	: Mr.N.Manoharan
	Special Government Pleader
For 6 th Respondent	: Mr.C.Godwin
For Respondents 7-10	: Mr.R.Ganesan
For Respondents 3&4	: No appearance

ORDER

(Order of the Court was made by **R. SUDHAKAR, J.**)

Mandamus has been filed to restrain the respondents 7 to 10 from participating in the tender floated by TAHDCO, for a housing scheme. The requirement is that, participating tenderers should belong to scheduled caste community. The allegation in the writ petition is that the respondents 7 to 10 do not belong to scheduled caste community. The said allegation is dispelled by TAHDCO, by filing a counter affidavit by the sixth respondent, Executive Engineer, TAHDCO, wherein paragraphs 4 & 5 reads as follows:

"4.I submit that the averments in paragraph 10 are not correct and denied. The respondents 7 to 10 belong to scheduled caste community and they are registered contractors in TAHDCO on the basis of their community certificates issued by the competent authority, the Tahsildar, Madurai North Taluk stating that they belong to Hindu Puthirai Vannan Community which is recognised as scheduled caste community.

5.I submit that as stated earlier the respondents 7 to 10 belong to scheduled caste community and their community certificates are not cancelled so far. They have produced community certificates from competent authority for registration of their name as contractors and on that basis they are registered contractors in TAHDCO. In view of the above, there is absolutely no merit in the injunction petition as well as in the writ petition."

2.In view of the above, we find that the writ petition is not filed in public interest. Hence, this writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar (AE)

<https://hcservices.ecourts.gov.in/hcservices/> /True Copy/

Sub Assistant Registrar



mj

To

- 1.The Secretary,
Government of Tamil Nadu,
Public Department,
Fort St., George,
Secretariat, Chennai - 600 009.
- 2.The Secretary,
Government of Tamil Nadu,
Adi Dravidar Welfare Department,
Ezhilagam, Chempauk,
Chennai.
- 3.The District Collector,
Madurai District, Madurai.
- 4.The Managing Director, TAHDCO Head Office,
Housing Board Complex,
Thirumangalam,
Chennai.
- 5.The General Manager (Technical),
TAHDCO Head Office,
Housing Board Complex,
Thirumangalam, Chennai.
- 6.The Executive Engineer,
TAHDCO, Madurai Division Office,
Madurai.

+2CC to Mr.R.Saravanan Advocate Sr.No.54375, 55227
+1CC to Mr.E.V.N.Siva Advocate Sr.No.54951
+1CC to C.Godwin Advocate Sr.No.54907
+1CC to Spl.Government Pleader Sr.No.55192

GJM/AMF-8.10.15-3P-12C

Writ Petition (MD) No.9690 of 2011
Dated : 16.09.2015