

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.32865 of 2016

M.V.Mathi

... Petitioner

..Vs..

1. The Director General,
High Ways Department,
HRS Complex,
Guindy, Chennai-600 032.
2. The Superintendent Engineer,
High Ways (C & M),
Chennai Circle,
Chennai-600 006.
3. The Divisional Engineer,
High Ways (C & M),
Cheyar Division,
Vellore District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus thereby directing the respondents to strictly apply the price variation clause No.5 as per the Articles of Agreement dated 25.12.2015 in regard to improvement and reconstruction of slab culvert works in Cheyar (C & M) sub division within the control of the 3rd respondent as claimed in his representation dated 23.07.2016.

For Petitioner : Mr.K.Mohanamurali

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

Heard Mr.K.Mohanamurali, learned counsel for the petitioner and Mr.A.N.Thambi Durai, learned Special Government Pleader appearing on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2. The petitioner was awarded a contract vide proceedings dated 14.02.2008 and the period of contract was extended up to 31.03.2017. The petitioner claims that he has completed the contract work to the full satisfaction. However, the petitioner now seeks for a direction upon the respondents to apply Price Variation Clause No.5, as per the Articles of the Agreement dated 22.12.2015. In this regard, a representation was given to the 3rd respondent. The said representation is still pending consideration. It is not known as to the reason as to why the 3rd respondent has not considered the representation.

3. In any event, the matter pertains to the contract entered into between the petitioner and the respondent / Department. Therefore, it would be appropriate for the 3rd respondent to send a reply to the petitioner's representation and such a direction shall be complied within a period of two weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Director General,
High Ways Department,
HRS Complex,
Guindy, Chennai-600 032.
2. The Superintendent Engineer,
High Ways (C & M), Chennai Circle,
Chennai-600 006.
3. The Divisional Engineer,
High Ways (C & M), Cheyar Division,
Vellore District.

+1cc to M/s.K.Mohanamurali, Advocate, S.R.No.54298

W.P.Nos.32865 of 2016

SAI (CO)
CA(03/10/2016)