

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.38239 of 2016

and

W.M.P.No.32787 of 2016

M/s.Aruna Construction,
Chekkumedu Village,
Vallipattu Post, Vaniyambadi,
Vellore District, rep. by its
Managing Partner K.Devaraji.

... Petitioner

- Vs -

1. State of Tamil Nadu rep. by its
Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.
2. The Chief Engineer,
Highways (C & M), Guindy,
Chennai - 600 025.
3. The Superintending Engineer,
Highways (C & M), Chennai Circle,
Chennai - 6.
4. The Divisional Engineer,
Highways (C & M),
Vaniyambadi Division,
Vaniyambadi,
Vellore District.

... Respondents

Prayer:- Writ petition filed under Section 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from recovering any amount from the petitioner under the price adjustment mechanism without following the guidelines issued in Government Orders in G.O.Ms.No.101, Public Works (G2) Department, dated 10.06.2009 for the work viz. Package 64 - Improvement works in Vaniyambadi (H) (C & M) Sub Division Jurisdiction executed by the petitioner and direct the respondents to refund the amount which was already recovered.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.S.V.Durai Solaimalai
Additional Government Pleader

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O R D E R

The petitioner has come forward with this writ petition for a Mandamus, forbearing the respondents from recovering any amount from the petitioner under the price adjustment mechanism without following the guidelines issued in Government Orders in G.O.Ms.No.101, Public Works (G2) Department, dated 10.06.2009 for the work viz. Package 64 - Improvement works in Vaniyambadi (H) (C & M) Sub Division Jurisdiction executed by the petitioner and direct the respondents to refund the amount which was already recovered.

2. The learned counsel appearing for the petitioner would submit that with regard to the above prayers, the petitioner has submitted a representation dated 17.10.2016 to the 4th respondent and the 4th respondent may be directed to consider the said representation and pass orders.

3. The learned Additional Government Pleader appearing for the respondents would submit that the said representation of the petitioner will be considered by the 4th respondent.

4. In view of the above, this Court without going into the merits of the representation of the petitioner dated 17.10.2016, directs the fourth respondent to consider and dispose of the said representation of the petitioner on merits and in accordance with law and pass orders as expeditiously as possible. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

-sd/-

Assistant Regist

/ TRUE COPY /

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.
2. The Chief Engineer,
Highways (C & M), Guindy,
Chennai - 600 025.
3. The Superintending Engineer,
Highways (C & M), Chennai Circle,
Chennai - 6.

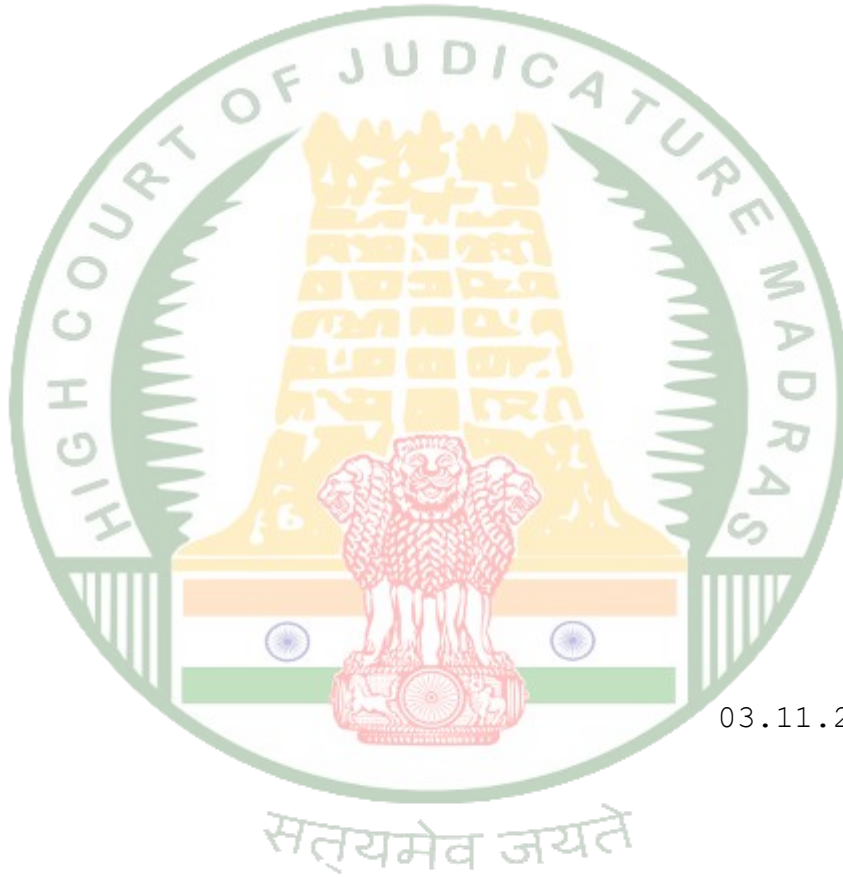
4. The Divisional Engineer,
Highways (C & M),
Vaniyambadi Division,
Vaniyambadi, Vellore District.

+1 cc to MR.S.DORAISAMY ADVOCATE SR.NO. 62544/2016

W.P.No.38239 of 2016 and
W.M.P.No.32787 of 2016

BR[CO]

RD 12/12/2016



03.11.2016

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