

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.40513 of 2016
and
W.M.P.No.34546 of 2016

Builders Association of India
Tamil Nadu/Puducherry/Andaman
Nicobar Islands,
Flat No.3, New Door No.5,
Vidyodaya Main Road,
T.Nagar, Chennai - 600 017.
Rep. by its State Chairman,
Er.M.Thirusangu

... Petitioner

Versus

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 600 009.
2. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Highways Department,
Fort St. George, Chennai - 600 009.
3. The Chief Engineer (H)
Construction and Maintenance,
HRS Complex, Guindy, Chennai - 600 032.
4. The Superintending Engineer (H)
C & M, Highways Department,
Chennai Circle, No.299, Anna Salai,
Chennai - 600 006.
5. The Superintending Engineer (H)
C & M, Highways Department,
Elies Chatram Road,
Vazhureddy, Villupuram - 605 401.
6. The Superintending Engineer (H)
C & M, Highways Department,
TVS Tollgate, Tiruchirapalli - 20.
7. The Superintending Engineer (H)
C & M, Highways Department,
Steel Plant Main Road,
Opp. To P.C.C. Kalyana Mandapam,
Jahir, Ammapalayam, Salem - 636 302.

8. The Superintending Engineer (H)
C & M, Highways Department,
C & M Circle, No.1653, Trichy Road,
Coimbatore - 18.
9. The Superintending Engineer (H)
C & M, Highways Department,
Alagarkoil Road, Madurai - 625 001.
10. The Superintending Engineer (H)
C & M, Highways Department,
No.67, Kumaran Salai,
Tirupur.
11. The Superintending Engineer (H)
C & M, Highways Department,
C & M Circle, P.B.No.149,
Tirunelveli - 627 002.
12. The Divisional Engineer,
C & M, Highways Department,
Chennai City Road,
No.394/4, Anna Salai, Chennai - 600 015.
13. The Divisional Engineer,
C & M, Highways Department,
No.155/17, Jawaharlal Nehru Road,
Tiruvallur 602 001.
14. The Divisional Engineer,
C & M, Highways Department,
No.2A, Periyar Nagar, Chengalpet.
15. The Divisional Engineer,
C & M, Highways Department,
2nd Floor, B Block, Collectorate Building,
Sathuvachery, Vellore.
16. The Divisional Engineer,
C & M, Highways Department,
Highways, Periyar Nagar,
Pudur Post, Vaniyampadi.
17. The Divisional Engineer,
C & M, Highways Department,
No.214, Tindivanam Salai,
Navakari, Thiruvannamalai - 606 601.
18. The Divisional Engineer,
C & M, Highways Department,
No.86, Bungalow Street,
Cheyyar - 604 407.

19. The Divisional Engineer,
C & M, Highways Department,
Trichy Road, Villupuram.

20. The Divisional Engineer,
C & M, Highways Department,
Kachirapalayam Road,
Traveller Bungalow Compound,
Kallakurichi 606 202.
21. The Divisional Engineer,
C & M, Highways Department,
No.46, Beach Road, Cuddalore - 607 001.
22. The Divisional Engineer,
C & M, Highways Department,
TB Campus, Thirumangalam,
Perambalur.
23. The Divisional Engineer,
C & M Highways Department,
No.31K Trichy Road,
Ariyalur.
24. The Divisional Engineer,
C & M, Highways Department,
TVS Tollgate, Tiruchirapalli.
25. The Divisional Engineer,
C & M, Highways department,
No.102, Perundhurai Road,
Moolapalayam, Erode -2.
26. The Divisional Engineer,
C & M, Highways Department,
No.6, North Pradhakshnam Road,
T.B.Compound, Karur - 639 001.
27. The Divisional Engineer,
C & M, Highways Department,
A.R.Line Road, Tirunelveli - 627 002.
28. The Divisional Engineer,
C & M, Highways Department,
No.322A, Railway Feeder Road,
Tenkasi.
29. The Divisional Engineer,
C & M, Highways Department,
Dharmapuri.
30. The Divisional Engineer,
C & M, Highways Department,
Marudhupandiyar Nagar,
Collectorate Complex, Sivagangai.

31. The Divisional Engineer,
C & M, Highways Department,
Panagal Building, Thanjavur 1.

- 32.The Divisional Engineer,
C & M, Highways Department,
Thanjai Salai, Thiruvarur - 610 001.
- 33.The Divisional Engineer,
C & M, Highways Department,
No.1426, Trichy Main Road,
Thirukokarnam Post,
Pudukottai 622 002.
- 34.The Divisional Engineer,
C & M, Highways Department,
Chokkanathar Koil Street,
Poonga Nagar, Palpannaicherry,
Nagapattinam 611 003.
- 35.The Divisional Engineer,
C & M, Highways Department,
Omalur Main Road, Opp. National Hotel,
Salem - 636 007.
- 36.The Divisional Engineer,
C & M Highways Department,
No.5, Mohanur Road, Namakkal.
- 37.The Divisional Engineer,
C & M, Highways Department,
Londonpet, Krishnagiri.
- 38.The Divisional Engineer,
C & M, Highways Department,
Trichy Road, Coimbatore - 18.
- 39.The Divisional Engineer,
C & M, Highways Department,
Thoothukudi Ettayapuram Road,
Polpettai, Thoothukudi 2.
- 40.The Divisional Engineer,
C & M, Highways Department,
Madurai Road, Virudhunagar.
- 41.The Divisional Engineer,
C & M, Highways Department,
PWD Compound,
Nagercoil - 629 001.
- 42.The Divisional Engineer,
C & M, Highways Department,
Theni - 625 531.
- 43.The Divisional Engineer,
C & M, Highways Department,
TB Compound, Ramanathapuram.

44.The Divisional Engineer,
C & M, Highways Department,
Kumaran Nagar, Tirupur - 641 601.

45.The Divisional Engineer,
C & M, Highways Department,
No.21, Alangiyam Salai,
Dharapuram.

46.The Divisional Engineer,
C & M, Highways Department,
CTC Medu, Pollachi 642 002.

47.The Divisional Engineer,
C & M, Highways Department,
TB Compound, Sathy Main Road,
Gobichettipalayam.

48.The Divisional Engineer,
C & M, Highways Department,
P.B.No.28, Bombay Castle,
Uthagamandalam 643 001.

49.The Divisional Engineer,
C & M, Highways Department,
Dindigul.

50.The Director General,
Highways Department HRS Complex,
Guindy, Chennai - 600 032.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified mandamus, to call for the records of the 3rd respondent herein relating to the letter No.11103/Contracts-1/2016-5 dated 17.10.2016 and quash the same and consequently direct the respondents herein to calculate the price variation/price adjustment keeping the date on which the agreement was entered into as the base date in respect of cases where the agreement was signed by the members of the petitioner association as per the list enclosed along with this writ petition beyond the specified date.

For Petitioner : Mr.A.R.L.Sundaresan,
Senior Counsel
for Mrs.A.L.Gandthimathi

For Respondents : Mr.C.Manisankar,
Additional Advocate General
assisted by
Mr.A.Kumar,
Special Government Pleader

ORDER

Since the petitioner is an Association, as per the decision reported in (Formation of Indian Network Marketing Association, rep. By its President vs. M/s. Apple FMCG Marketing Pvt Ltd., rep. By its Chief Executive Officer and others) (2005) Writ Law Reporter 321 and (Tamilaga Asiriyar Kootani, rep. By the General Secretary V. Annamalai vs. The Government of Tamil Nadu, rep. By its Secretary to Government, School Education Department, Chennai - 9 and others) 2005 Writ Law Reporter 389, the relief sought for by the petitioner in this writ petition cannot be granted. However, if any individual member of the petitioner association is in any way affected by the order passed by the third respondent, it is open to such member to approach this Court. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ogy

To

1. The Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 600 009.
2. The Secretary to Government,
Highways Department,
Fort St. George, Chennai - 600 009.
3. The Chief Engineer (H)
Construction and Maintenance,
HRS Complex, Guindy, Chennai - 600 032.
4. The Superintending Engineer (H)
C & M, Highways Department,
Chennai Circle, No.299, Anna Salai,
Chennai - 600 006.
5. The Superintending Engineer (H)
C & M, Highways Department,
Elies Chatram Road,
Vazhureddy, Villupuram - 605 401.
6. The Superintending Engineer (H)
C & M, Highways Department,
IVS Tollgate, Tiruchirapalli - 20.

7. The Superintending Engineer (H)
C & M, Highways Department,
Steel Plant Main Road,
Opp. To P.C.C. Kalyana Mandapam,
Jahir, Ammapalayam, Salem - 636 302.
8. The Superintending Engineer (H)
C & M, Highways Department,
C & M Circle, No.1653, Trichy Road,
Coimbatore - 18.
9. The Superintending Engineer (H)
C & M, Highways Department,
Alagarkoil Road, Madurai - 625 001.
10. The Superintending Engineer (H)
C & M, Highways Department,
No.67, Kumaran Salai,
Tirupur.
11. The Superintending Engineer (H)
C & M, Highways Department,
C & M Circle, P.B.No.149,
Tirunelveli - 627 002.
12. The Divisional Engineer,
C & M, Highways Department,
Chennai City Road,
No.394/4, Anna Salai, Chennai - 600 015.
13. The Divisional Engineer,
C & M, Highways Department,
No.155/17, Jawaharlal Nehru Road,
Tiruvallur 602 001.
14. The Divisional Engineer,
C & M, Highways Department,
No.2A, Periyar Nagar, Chengalpet.
15. The Divisional Engineer,
C & M, Highways Department,
2nd Floor, B Block, Collectorate Building,
Sathuvachery, Vellore.
16. The Divisional Engineer,
C & M, Highways Department,
Highways, Periyar Nagar,
Pudur Post, Vaniyampadi.
17. The Divisional Engineer,
C & M, Highways Department,
No.214, Tindivanam Salai,
Navakali, Thiruvannamalai - 606 601.

- 18.The Divisional Engineer,
C & M, Highways Department,
No.86, Bungalow Street,
Cheyyar - 604 407.
- 19.The Divisional Engineer,
C & M, Highways Department,
Trichy Road, Villupuram.
- 20.The Divisional Engineer,
C & M, Highways Department,
Kachirapalayam Road,
Traveller Bungalow Compound,
Kallakurichi 606 202.
- 21.The Divisional Engineer,
C & M, Highways Department,
No.46, Beach Road, Cuddalore - 607 001.
- 22.The Divisional Engineer,
C & M, Highways Department,
TB Campus, Thirumangalam,
Perambalur.
- 23.The Divisional Engineer,
C & M Highways Department,
No.31K Trichy Road,
Ariyalur.
- 24.The Divisional Engineer,
C & M, Highways Department,
TVS Tollgate, Tiruchirapalli.
- 25.The Divisional Engineer,
C & M, Highways department,
No.102, Perundhurai Road,
Moolapalayam, Erode -2.
- 26.The Divisional Engineer,
C & M, Highways Department,
No.6, North Pradhakshnam Road,
T.B.Compound, Karur - 639 001.
- 27.The Divisional Engineer,
C & M, Highways Department,
A.R.Line Road, Tirunelveli - 627 002.
- 28.The Divisional Engineer,
C & M, Highways Department,
No.322A, Railway Feeder Road,
Tenkasi.

- 29.The Divisional Engineer,
C & M, Highways Department,
Dharmapuri.

30.The Divisional Engineer,
C & M, Highways Department,
Marudhupandiyar Nagar,
Collectorate Complex, Sivagangai.

31.The Divisional Engineer,
C & M, Highways Department,
Panagal Building, Thanjavur 1.

32.The Divisional Engineer,
C & M, Highways Department,
Thanjai Salai, Thiruvarur - 610 001.

33.The Divisional Engineer,
C & M, Highways Department,
No.1426, Trichy Main Road,
Thirukokarnam Post,
Pudukottai 622 002.

34.The Divisional Engineer,
C & M, Highways Department,
Chokkanathar Koil Street,
Poonga Nagar, Palpannaicherry,
Nagapattinam 611 003.

35.The Divisional Engineer,
C & M, Highways Department,
Omalur Main Road, Opp. National Hotel,
Salem - 636 007.

36.The Divisional Engineer,
C & M Highways Department,
No.5, Mohanur Road, Namakkal.

37.The Divisional Engineer,
C & M, Highways Department,
Londonpet, Krishnagiri.

38.The Divisional Engineer,
C & M, Highways Department,
Trichy Road, Coimbatore - 18.

39.The Divisional Engineer,
C & M, Highways Department,
Thoothukudi Ettayapuram Road,
Polpettai, Thoothukudi 2.

40.The Divisional Engineer,
C & M, Highways Department,
Madurai Road, Virudhunagar.

41.The Divisional Engineer,
C & M, Highways Department,
PWD Compound,
Nagercoil - 629 001.

- 42.The Divisional Engineer,
C & M, Highways Department,
Theni - 625 531.
- 43.The Divisional Engineer,
C & M, Highways Department,
TB Compound, Ramanathapuram.
- 44.The Divisional Engineer,
C & M, Highways Department,
Kumaran Nagar, Tirupur - 641 601.
- 45.The Divisional Engineer,
C & M, Highways Department,
No.21, Alangiyam Salai,
Dharapuram.
- 46.The Divisional Engineer,
C & M, Highways Department,
CTC Medu, Pollachi 642 002.
- 47.The Divisional Engineer,
C & M, Highways Department,
TB Compound, Sathy Main Road,
Gobichettipalayam.
- 48.The Divisional Engineer,
C & M, Highways Department,
P.B.No.28, Bombay Castle,
Uthagamandalam 643 001.
- 49.The Divisional Engineer,
C & M, Highways Department,
Dindigul.
- 50.The Director General,
Highways Department HRS Complex,
Guindy, Chennai - 600 032.

+1cc to Mr.AL.Ganthimathi, Advocate, S.R.No.67215
+1cc to the Government Pleader, S.R.No.67534

W.P.No.40513 of 2016

ALA(CO)
CA(29/12/2016)