



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.20908 of 2014

and

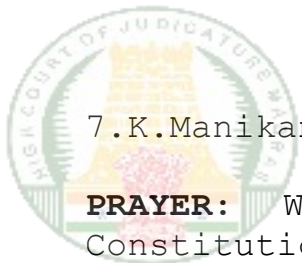
M.P.(MD).No.2 of 2015

Consumer Protection Association,
Kanyakumari District,
Reg. No.14/2001,
4/1, Gandhi Street,
Near Narayana Guru Kalyanamandapam,
Kottar, Nagercoil - 629 002.
rep. by its President S.R. Sreeram

.. Petitioner

Vs.

- 1.The Principal Secretary,
Highways Department,
Government of Tamil Nadu,
Fort St. George, Chennai.
- 2.The Chief Engineer,
Highways Department,
Chepauk, Chennai.
- 3.The District Collector,
Kanyakumari District,
Nagercoil - 629 001,.
- 4.The Director,
Department of Vigilance and Anti-Corruption
(DVAC), 28, Kumarasamy Raja Road,
Raja-annamalaipuram, Chennai.
- 5.The Superintending Engineer (H), C & M,
(Highways), Tirunelveli Circle,
Tirunelveli -2.
- 6.The Divisional Engineer,
Highways Department,
Nagercoil.



7.K.Manikandan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to initiate action on the petitioner's representation dated 01.12.2014 and further direct the 4th respondent to conduct an impartial enquiry into the affairs of 5th, 6th and 7th respondents in laying a defective road.

For Petitioner : Mr.G.V.Vairam Santhosh

For respondents 1 to 6: Mr.M.Govindan,
Special Government Pleader

For 7th respondent : Mrs.C.Bharathi

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is an association known as Consumer Protection Association, Kanyakumari District. It is stated that it is a registered association, in which one Mr.S.R.Sreeram is the President. The petitioner has come up with Writ Petition under the guise of a Public Interest Litigation, seeking a direction to the respondents 1 to 4 to initiate action on the petitioner's representation dated 01.12.2014 and to hold impartial enquiry into the allegation made thereunder.

2.We have heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the official respondents and the learned counsel appearing for the 7th respondent.

3. According to the petitioner, there was a tender issued to execute the work of "Special repairs to Aralvoimozhi - Nedumangadu Road" and within a short time of laying of the road, there were lot of breaches in the same, which would go to show that the road was not laid according to the norms.

4. In the Counter affidavit filed by the 6th respondent viz., the Divisional Engineer, Highways Department, Nagercoil, it is stated that as per the contract condition, if any shortcoming or repair is found within six months after laying of the road, the same shall be corrected by the contractor. In the instant case, some breaches were found and as ordered by the Divisional Engineer, they were corrected by the contractor. Thus, absolutely, there is no substance in the allegation made by the petitioner.

5. In our considered view, this Writ Petition deserves to be dismissed on accepting the contention of the Divisional Engineer.



The petitioner has not made out even a *prima facie* case for an enquiry. Above all, there is no document produced to show that the association, who is the petitioner herein, is a registered association and Mr.S.R.Sreeram is the President of the said association.

6.In our considered view, the petitioner is not entitled for any relief sought for in this petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

gcg

To

- 1.The Principal Secretary,
Highways Department,
Government of Tamil Nadu,
Fort St. George, Chennai.
- 2.The Chief Engineer,
Highways Department, Chepauk, Chennai.
- 3.The District Collector,
Kanyakumari District, Nagercoil - 629 001,.
- 4.The Director,
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- 5.The Superintending Engineer (H), C & M,
(Highways), Tirunelveli Circle,
Tirunelveli -2.
- 6.The Divisional Engineer,
Highways Department, Nagercoil.

+1cc to Spl.Government Pleader Sr.No. 55188
+1cc to Mr. Advocate Sr.No. 54342

JAM/19.10.16/SS 2/3P-9C

Order made in
W.P.[MD].No.20908 of 2014
21.09.2016