



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.09.2016**

CORAM

THE HONOURABLE **MR. JUSTICE M. VENUGOPAL**

W.P(MD)No.16557 of 2016

N.Chelladurai

... Petitioner

Vs.

1.The Superintending Engineer,
Highways(Construction & Maintenance),
Tirunelveli - 627002.

2.The Divisional Engineer,
Highways (Construction & Maintenance),
Tirunelveli - 627002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the Respondents to register the Petitioner as Contractor in their Department in the light of G.O.Ms.No.1789, dated 29.12.1992 and G.O.Ms.No.251, dated 12.10.2007 and based on the Petitioner's representation, dated 29.06.2016 and the 1st Respondent received, dated 02.08.2016.

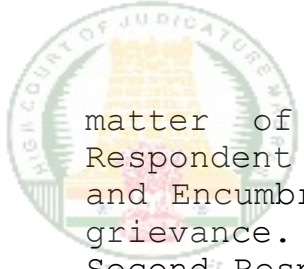
For Petitioner	: Mr.T.Selvan
For Respondents	: Mr.N.S.Karthikeyan, Additional Government Pleader

O R D E R

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal. No counter-affidavit is filed on behalf of the Respondents.

2. According to the Petitioner, he had applied before the Second Respondent/Department for registration as Contractor on 25.05.2016. However, there is no action on his application. He had applied under the Right to Information Act, to know about the status of his application. However, his papers were returned stating that the Solvency Certificate was issued in the year 2007 and further, he was directed to obtain Solvency Certificate, within six months, after verifying the encumbrance. Hence, he had applied before the Tahsildar, Tirunelveli, to obtain Solvency Certificate as per the instructions of the Second Respondent. However, the Tahsildar, Tirunelveli, replied that there is no possibility to renew the Solvency Certificate as per the instructions of the Second Respondent and directed him to apply afresh.

3. The grievance of the Petitioner is that there are many difficulties in securing the Solvency Certificate afresh. As a



matter of fact, he submitted a representation to the Second Respondent on 29.06.2016 together with attested copies of documents and Encumbrance Certificate and made a request for redressal of his grievance. However, there is no action taken on the side of the Second Respondent. Therefore, he addressed a representation to the First Respondent making a request to register his name in the Highways Department, to register him as a Contractor. Even the First Respondent has not taken any steps on his representation. Hence, he has filed the present Writ Petition.

4. Considering the fact that the Petitioner had enclosed an Encumbrance Certificate and also other documents duly attested therein, as per his reply, dated 29.06.2016 addressed to the Second Respondent, at this stage, this Court, simpliciter, directs the Respondents- 1 and 2, to consider the request of the Petitioner as Contractor in their Department in the light of G.O.Ms.No.1789, dated 29.12.1992 and G.O.Ms.No.251, dated 12.10.2007, of course based on the Petitioner's representation, dated 29.06.2016, within a period of four weeks from the date of receipt of a copy of this Order and to pass a reasoned speaking order (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, if situation so warrants), within a period of two weeks thereafter. Needless for this Court to make a significant mention that the Petitioner is to render his assistance and unstinted co-operation to the Second Respondent so as to enable the latter to do needful in his favour in the subject matter in issue, within the time afore stated.

With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1.The Superintending Engineer,
Highways(Construction & Maintenance),
Tirunelveli - 627002.

2.The Divisional Engineer,
Highways (Construction & Maintenance),
Tirunelveli - 627002.

+1 cc to Mr. T.SELVAN ,Advocate, Sr.No: 49767

JAM/DB/15.09.16/ 2P-4C

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