

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.9136 of 2017 & W.M.P. No.10059 of 2017

K. Sekar

Petitioner

VS.

- 1 The Assistant Executive Engineer (PWD)
Vellar Vadinila Kottam
Kallakurichi 606 202
Villupuram District
- 2 The Executive Engineer (PWD)
Virudhachalam
Villupuram District
- 3 A. Chengiskhan Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to give opportunity to the petitioner as per the order dated 03.01.2017 passed by the High Court in W.P. No.44558 of 2016.

For petitioner Mr. S.N. Subramani
For RR 1 & 2 Mr. T.M. Pappiah
Special Government Pleader

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents to give opportunity to the petitioner as per the order dated 03.01.2017 passed by this Court in W.P. No.44558 of 2016.

2 The aforesaid writ petition in W.P. No.44558 of 2016 preferred by the third respondent herein, was disposed of by this Court vide order dated 03.01.2017 in the following terms:

"5 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in

this writ petition, directs the 1st respondent to act on his communication dated 03.10.2016 in Letter No.244/Ko.6/2016/U.Sae.Po [Kagu] and before doing so, shall put the 2nd respondent on notice and thereafter pass orders on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 2nd respondent."

3 When this Court, in the aforesaid order, has directed the Assistant Executive Engineer (P.W.D.), to put the petitioner herein on notice and thereafter to pass orders on merits and in accordance with law, if the official respondents are proceeding without complying with the said direction issued by this Court, the petitioner can address a representation to the authority concerned to proceed as per the direction issued by this Court. But, till date, no order has been passed by the first respondent, pursuant to the order dated 03.01.2017 passed by this Court. Hence, the prayer sought by the petitioner cannot be granted. Secondly, if the direction issued by this Court vide order dated 03.01.2017 is violated, the petitioner has to work out his remedy in the manner known to law and not by filing a writ petition.

In view of the foregoing reasons, this writ petition is liable to be dismissed as being devoid of merits. Accordingly, this writ petition stands dismissed, however, sans costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

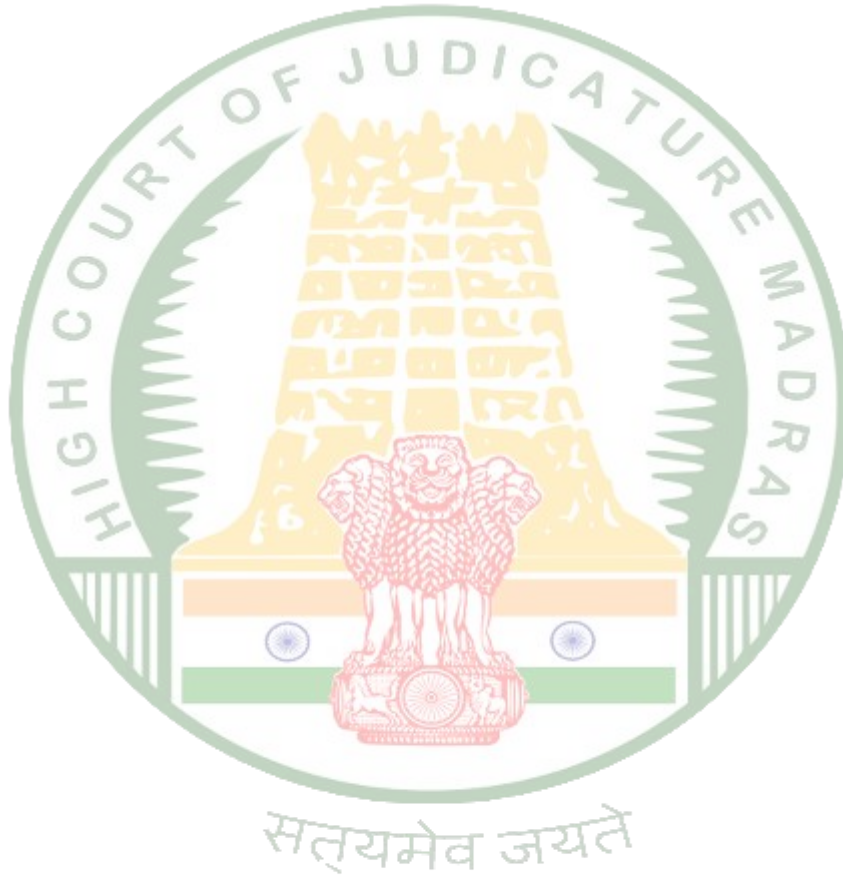
1 The Assistant Executive Engineer (PWD)
Vellar Vadinila Kottam
Kallakurichi 606 202
Villupuram District

2 The Executive Engineer (PWD)
Virudhachalam
Villupuram District

+1 CC to Govt. Pleader sr 40993

W.P. No.9136 of 2017

KJI (CO)
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