

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.5382 of 2017

M.Ravi

..Petitioner

Vs.

1. The Principal Chief Conservator
of Forest, and Head of Forest Force,
Panagal Buildings, Saidapet,
Chennai-600 015.
 2. The Forest Engineer,
Forest Engineering Division,
No.11, Arabic College Street,
Kaja Nagar,
Trichirapalli-620 020.
 3. The Forest Ranger (Engineering),
Tirupathur Range, Tirupathur,
Vellore District.
 4. The Conservator of Forest,
Tiruchirapalli Circle,
Tiruchirapalli.
- ..Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to constitute a empowered standing committee to resolve the claim of the petitioner on the basis of the representations given by the petitioner dated 21.11.2014 and 30.12.2014.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.N.Inbanathan,
Government Advocate (Forests)

O R D E R

The writ petition has been filed by Mr.M.Ravi, who was approved registered Contractor, recognised by the Forest Department, Highways Department, Marketing Committees, Town Panchayats and the Public Works Department seeking for issuance

of Writ of Mandamus directing the respondents to constitute a empowered standing committee to resolve the claim of the petitioner on the basis of the representations given by the petitioner dated 21.11.2014 and 30.12.2014.

2.Learned counsel for the petitioner would submit that since the Forest Engineer/second respondent had issued a tender notification for "Improvement and Black topping of Pudurnadu to Singarapettai of Aalangayam Block to a length of 11 Kilo Meter from KM 0/6-11/0 through Pennagaram Engineering Range, the petitioner had participated. In the aforesaid tender process, the petitioner became a successful bidder and subsequently, an agreement was executed between the petitioner and second respondent and thereafter, the petitioner has also paid a sum of Rs.4,60,000/- as security deposit along with the agreement. Thereafter, he was permitted to execute all the works as detailed in the estimate specifications and tender schedule for a sum of Rs.2,26,52,902/-. The petitioner also, pursuant to the circular issued by the Forest Engineer, directed the contractors to follow all the specifications and guidelines and the petitioner has complied with the all instructions, but till date, the second respondent failed to make appropriate payments to the petitioner towards the following items:

- (i)Compacting Grounds Supporting Embankment Subgrade upto the level of berms
- (ii)2 Row Pipe Culvert at KM 1/800
- (iii)filling the dip with carted earth 1/800-2/0.

3.Therefore, the petitioner has given a representation dated 21.11.2014 requesting the respondents to constitute empower standing committee to resolve the disputes and thereafter, the petitioner has sent another representation dated 30.12.2014, requesting the second respondent to send a panel of three persons of Technical Chief Engineer level for selection of one non-official member by the petitioner, so as to constitute a committee to resolve the disputes. But till date, both these representations dated 21.11.2014 and 30.12.2014 have not been considered. Therefore, a direction may be given to the second respondent to consider these two representations, it is pleaded.

4.Without going into the merits of the case, this Court directs the second respondent to consider the petitioner's representations dated 21.11.2014 and 30.12.2014 respectively and pass orders within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Chief Conservator of Forest,
and Head of Forest Force,
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3. The Forest Ranger (Engineering),
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Vellore District.
4. The Conservator of Forest,
Tiruchirapalli Circle,
Tiruchirapalli.

+1cc to Mr.D. Rajagopal, Advocate, S.R.No.13996
+1cc to the Government Pleader, S.R.No.14193

LRS (CO)
EU 10.4.17

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