

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.31180 & 31181 of 2017
& WMP No.34216 to 34219 of 2017

M.Vediappan ..Petitioner in W.P.No.31180 of 2017

M/s.Sri Ram Constructions,
Rep by its Partner,
V.Shanthi ..Petitioner in W.P.No.31181 of 2017

Versus

1. The Collector,
Dharmapuri District,
Dharmapuri.
 2. The Project Director,
District Rural Development Agency,
Rural Development and Panchayatraj Department,
Collector Office Backside,
Dharmapuri.
 3. The Executive Engineer,
District Rural Development Agency,
Rural Development and Panchayatraj Department,
Collector Office Backside,
Dharmapuri.
- ..Respondents in both the petitions

Prayer: The Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records relating to the proceedings in Na.Ka.No.1238/2016/R9, dated 21.11.2017 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.S.Doraisamy
(in both the petitions)

For Respondents : Mr.S.Diwakar, Spl.G.P.
(in both the petitions)

O R D E R

The petitioners have come forward with these petitions to call for the records relating to the proceedings in Na.Ka.No.1238/2016/R9, dated 21.11.2017 on the file of the 2nd respondent and quash the same.

2. When the matter is taken up for hearing, it is represented by the learned Special Government Pleader appearing for the respondents that the order, which is impugned in this writ petition, is only a show cause notice for not completing the work within the time stipulated. The petitioners have challenged the show cause notice in the present writ petition.

3. The learned counsel for the petitioners submitted that almost 70% of the works have been completed, but there is no justification to deprive the petitioners for not completing the work in entirety. The impugned order lacks bonafides and it was issued as a measure of imposing double punishment. The petitioners have already paid the amount for the tender and started commencing the work. There is some delay in execution of the work, for which the proposed action sought to be initiated by the respondent is unwarranted.

4. In reply, the learned Special Government Pleader drew the attention of the order, which is questioned in this writ petition and submitted that if any representation is given by the petitioner with genuine reason it will be considered, however time cannot be extended for more than a period of 45 days for completion of work.

5. In view of the submission of the learned Special Government Pleader, it is open to the petitioners to make a representation to the 2nd respondent and he shall consider the same on merits and in accordance with law and pass orders. When the impugned order clearly states that if genuine reasons are given, the request of the petitioners would be considered and hence debarring them from participating in future tender and black listing them is not justified. If the petitioners are otherwise found eligible, they can participate in future tender, subject to fulfilling the conditions.

6. With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

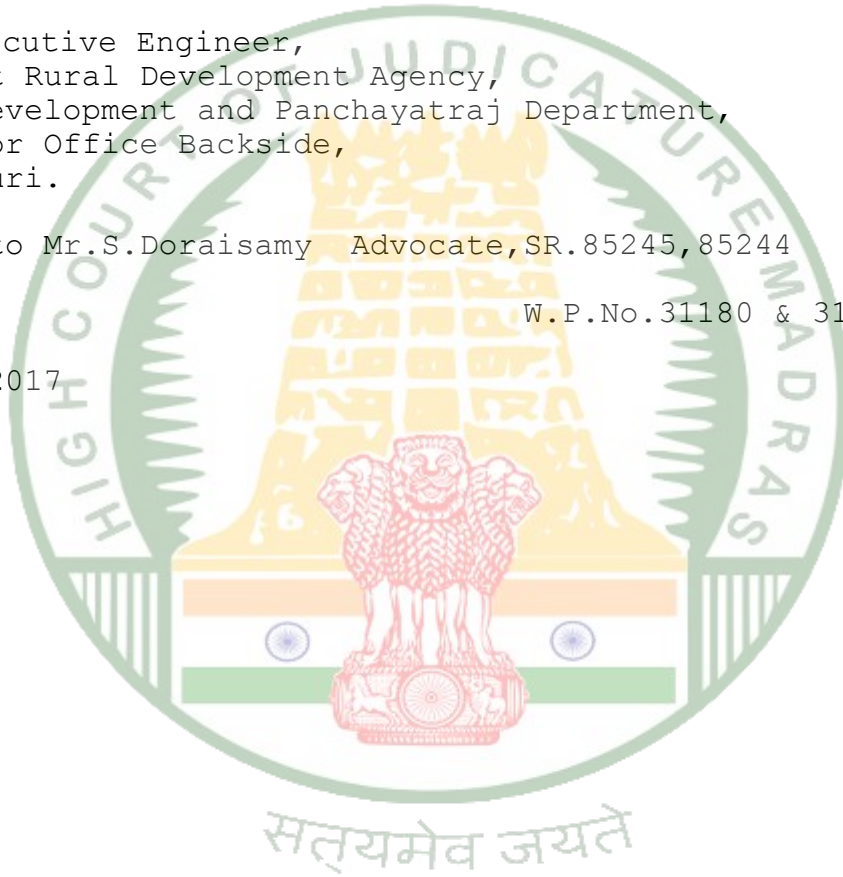
To

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Collector Office Backside,
Dharmapuri.

+ 2 cc to Mr.S.Doraisamy Advocate,SR.85245,85244

W.P.No.31180 & 31181 of 2017

NR 30/11/2017



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