

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 32897 of 2012
and
M.P. No. 1 of 2012

S.M. Balaraman ...Petitioner
Vs.

1. The Block Development Officer
Nemili Panchayat Union
Nemili, Arakkonam Taluk
Vellore District.

2. The Head Mistress
Government Higher Secondary School
Sayanapuram
Arakkonam Taluk
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records in pursuant to the proceedings of the 1st respondent vide Na.Ka. No.A2/1388/2012 dated 16.07.2012 and quash the same and direct the respondents to allow the petitioner to continue the work of construction of "Kalaiyarangam" at the 2nd respondent school.

For Petitioner : Mr. T. P. Prabakaran

For Respondent : Mr. M. Perumal for R1
Mrs. P. Rajalakshmi,
Govt. Advocate for R2

O R D E R

This writ petition has been filed praying to quash the proceedings of the 1st respondent in Na.Ka. No.A2/1388/2012 dated 16.07.2012 and direct the respondents to allow the petitioner to continue the work of construction of "Kalaiyarangam" at the 2nd respondent school.

2. Learned counsel for the petitioner submitted that the petitioner participated in the tender called for, by the first respondent vide Tender Notice dated 15.02.2011 and was declared as a successful bidder. Hence, the construction work of " Kalaiyarangam" at the 2nd respondent school was allotted to the petitioner. Since the petitioner delayed to commence the work even after expiry of two years, the first respondent by its communication dated 16.07.2012 cancelled the allotment. The second respondent has also sent a letter dated 02.11.2012 to the first respondent to take suitable action for conclusion of the work since trenches dug in the school is causing problems for free movement to the school children. Challenging the cancellation order, the petitioner has filed the present writ petition.

3. At the time of admission, based on the undertaking given by the petitioner dated 14.12.2012, an order of interim stay was granted. As per the Additional affidavit, the petitioner undertakes to complete the construction work within a period of three months, if he is allowed to continue. In paragraph 4 of the counter affidavit filed by the first respondent, it is stated that the second respondent school has been upgraded as Higher Secondary School and so hereinafter if any tender is called for, with regard to any construction in the school campus, they have to obtain permission from the District Collector.

4. Learned counsel for the first respondent submitted that inspite of the undertaking given, the petitioner has not taken any steps to commence the construction work. Learned counsel for the petitioner is also not in a position to place the fact, whether the construction work has been commenced by the petitioner.

5. In the light of the above submissions, the writ petition fails and the same is dismissed. However, if any grievance to settle dues, it is open to the petitioner to make a representation to the concerned authorities, if it is permissible under law. Consequently, the connected M.P is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

avr

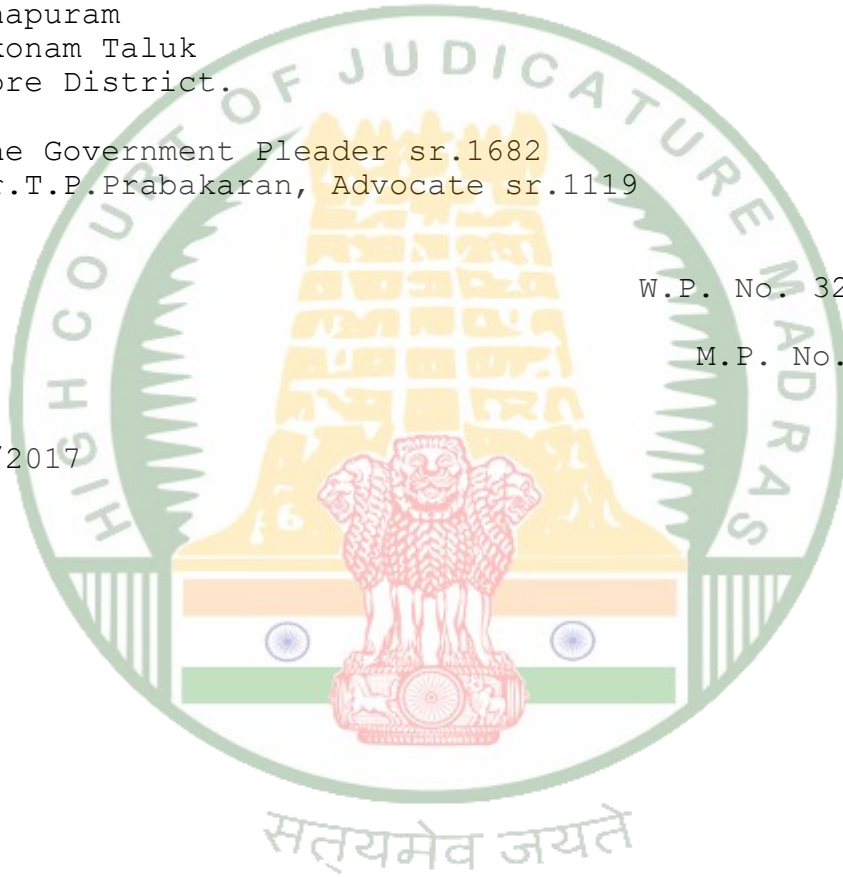
To

1. The Block Development Officer
Nemili Panchayat Union
Nemili, Arakkonam Taluk
Vellore District.
2. The Head Mistress
Government Higher Secondary School
Sayanapuram
Arakkonam Taluk
Vellore District.

+1cc to the Government Pleader sr.1682
+1cc to Mr.T.P.Prabakaran, Advocate sr.1119

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and
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srg 31/01/2017



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