

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.NOS.12980 OF 2003 AND 15179 OF 2003

AND CONNECTED MISCELLANEOUS PETITIONS

W.P.NO.12980 OF 2003

M.Venkatesan

...Petitioner

Vs.

1. The Collector
Vellore District
Sathuvachari, Vellore - 9.

2. The Assistant Director of Panchayat
Collectorate
III Floor, Sathuvachari,
Vellore - 9.

3. The Commissioner
Panchayat Union
K.V. Kuppam, Katpadi Taluk,
Vellore District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.3100 of 2002 dated 09.04.2003 of the third respondent and quash the same and to direct the respondents to award the contract in favour of the petitioner.

For Petitioner : Mr.R.Sampath Kumar

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

W.P.NO.15179 OF 2003

M/s.Durai Constructions
By Proprietor D.Gopi
Thondanthulasi Village
Katpadi Taluk,
Vellore District.

...Petitioner

Vs.

1.The Collector
Vellore District
Sathuvachari, Vellore - 9.

2.The Assistant Director of Panchayat
Collectorate
III Floor, Sathuvachari,
Vellore - 9.

3.The Commissioner
Panchayat Union
K.V. Kuppam, Katpadi Taluk,
Vellore District.

4.M.VenkatesanRespondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in Na.Ka.A2 3100/2002 dated 02.05.2003 from the file of 3rd respondent and quash the same and permit the petitioner to continue and to complete the road work Arumbakkam to Chenji Jelly Road and to direct the third respondent to make the payment for the execution of the work.

For Petitioner	:	Mr.R.Margabandhu
For Respondents	:	Mr.V.Jayaprakash Narayanan
1 to 3	:	Special Government Pleader
For Respondent-4	:	Mr.R.Sampath Kumar

COMMON ORDER

It is seen that the third respondent had given road contract to Durai Constructions (petitioner in W.P.No.15179 of 2003) challenging which, Venkatesan filed W.P.No.12980 of 2003 and obtained interim order staying the award of contract. Pursuant to the interim order granted by this Court, the third respondent passed an order dated 02.05.2003 directing Durai Constructions to stop the work on the ground that this Court has granted interim stay in W.P.No.12980 of 2003. It appears that the interim order granted in W.P.No.12980 of 2003 was subsequently vacated by this Court on 20.05.2003.

2. It is also seen that in WMP No.19029 of 2003 in W.P.No.15179 of 2003, this Court passed the following order:-

"The learned counsel for the petitioner submits that the impugned order was passed on the

basis of the order of this Court dated 25.4.2003 in W.P.M.P.No.16270 of 2003 in W.P.No.12980 of 2003 wherein confirmation of tender was stayed. The impugned order itself makes it clear that even prior to the order of this Court dated 25.4.2003 the petitioner had been awarded the tender and the petitioner also proceeded with the work. This fact was not brought to the notice of this Court by the petitioner in W.P.No.12980 of 2003, fourth respondent herein. In these circumstances third respondent shall make payment to the petitioner in so far as the work that he has so far done. Notice."

3. In the light of the above developments, the road contract has been given to Durai Constructions and they have completed the work and the payments have also been made to Durai Constructions. Therefore, both the writ petitions have become infructuous and they are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Collector
Vellore District
Sathuvachari, Vellore - 9.

2.The Assistant Director of Panchayat
Collectorate
III Floor, Sathuvachari,
Vellore - 9.

3.The Commissioner
Panchayat Union
K.V. Kuppam, Katpadi Taluk,
Vellore District.

+1cc to Mr.Jayaprakash Narayanan, Advocate, S.R.No.5423

VGJ(CO)
RS(23/02/2017)

W.P.NOS.12980 OF 2003
AND 15179 OF 2003