

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.43900 of 2016

and

W.M.P.Nos.37717 and 37718 of 2016

and 4993 of 2017

R.Ezhumalai .. Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Block Development Officer,
Kundrathur Panchayat Union,
Kundrathur, Kancheepuram District.

3.The Secretary,
Thirumudivakkam Panchayat,
Kundrathur, Chennai - 74.

4.The President,
Thirumudivakkam Panchayat,
Kundrathur, Chennai - 74.

5.K.Annapoorani .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the proceedings of the fourth respondent dated 29.08.2016 and quash the same.

For Petitioner .. Mr.R.Kannan for
Mr.P. Naresh Kumar

For Respondents .. Mr.P.V.Selvakumar,
Addl. Govt. Pleader for R1
Mr.R.Govindasamy,
Spl. Govt. Pleader for R2 to R4
Mr.I.Abraham for R5

ORDER

The petitioner was awarded a tender for clearance of the septic tanks. This was done pursuant to the resolution passed by the local authority/fourth authority dated 02.04.2015 by which the petitioner was given the right to drain the drainage water for a period of one year and nine months starting from 30.04.2015 and ending with 31.12.2016. There is one condition which stipulates that the petitioner will have to renew the permission granted after one year which ends by the end of March 2016.

2.The petitioner has come forward to file this writ petition with the grievance that despite the currency of the permission granted to him, the fifth respondent was allotted the aforesaid work. Learned counsel appearing for the petitioner submits that such an action is totally illegal.

3.Learned counsel appearing for the respondents including the fifth respondent submits that the petitioner has not renewed the permission granted after the expiry of one year and therefore, the fourth respondent has awarded the work in favour of the fifth respondent, who has been doing the aforesaid job.

4.Admittedly, the period, which is the subject matter of the writ petition is over long time back i.e. on 31.12.2016. It appears that by virtue of the interim order, the petitioner has been doing the clearing work till now.

5.Learned counsel appearing for the local authority submits that a decision has already been taken to call for fresh tenders. Therefore, the only question at this stage is as to whether someone can be permitted to do the work of clearing the drainage and sewage till the completion of next tender process.

6.Both the learned counsel for the petitioner and the fifth respondent submits that the petitioner and the fifth respondent have to be allowed to do the said job.

7.This Court is not willing to go into the said question. It appears both of them do not have any right as of now. The agreement, which is the subject matter of the writ petition has got ended on 31.12.2016. Therefore, this Court would like to leave the said issue to the fourth respondent, which is represented at present by the Special Officer.

8.Accordingly, the writ petition is disposed of by directing the Special Officer of the Thirumudivakkam Panchayat to take

steps to permit either the petitioner or the fifth respondent as the case may be to do the clearing work till the next tender is awarded as the process of maintaining the drainage and removing the sewage water is one of absolute necessity. Notwithstanding the ensuing election scheduled to be held in the month of May, 2017, the Special Officer viz., the fourth respondent is hereby directed to go on with the tender process and take a decision either to permit the petitioner or the fifth respondent as the case may be to do necessary work in the meanwhile. The tender process shall be completed within a period of four months from the date of receipt of a copy of this order. It is made clear that the petitioner and the fifth respondent are at liberty to participate in the tender process. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Block Development Officer,
Kundrathur Panchayat Union,
Kundrathur, Kancheepuram District.
- 3.The Secretary,
Thirumudivakkam Panchayat,
Kundrathur, Chennai - 74.
- 4.The President/Special Officer,
Thirumudivakkam Panchayat,
Kundrathur, Chennai - 74.

+1cc to M/s. R.Kannan, Advocate, S.R.No.14755
+1cc to the Government Pleader, S.R.No.14854

NR(CO)
EU 17.03.17

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