



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 24.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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W.A. (MD) No.992 of 2017
and
C.M.P. (MD) .No.6792 of 2017

MJD Construction & Engineering Contractors P Ltd.,
Rep by its Managing Director,
Janaka Jebangelin,
MJ Bhavan,
Kannumamoodu,
Pazhugal Village,
Kanyakumari District.

... Appellant

Vs.

1. The Special Chief Engineer,
National Highways Circle,
Tirunelveli.
2. S.Thiayagarajan,
No.71C5A/10A, Park Road,
Keelaramanpudhur,
Nagercoil,
Kanyakumari District.
3. Post Master Grade-I,
Maharaja Nagar-627 011.
Tirunelveli District.
4. Mr.R.Esakkimuthu Selvan,B.E.,
The Special Chief Engineer,
National Highways,
Maharaja Nagar-627 011.
Tirunelveli District.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent,
praying to set aside the order of notice dated 22.06.2017 in
W.M.P.No.8508 of 2017 in W.P.(MD)No.11093 of 2017.

Prayer in WMP(MD)No.8508/ 2017 :

To grant an order of interim stay of all further proceedings
in letter No.T.R.B.19/2016-17/Va.Tho.Aa dated 28.03.2017 awarding
work order in favour of the 2nd respondent pending disposal of the
above writ petition.



Prayer in WP(MD)No.11093/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records pertaining in the impugned order passed by the 1st respondent in his proceedings dated No.Ma.Sa.Ne.The/2016-17/Va.Tho.A/ dated 13.03.2017 and the consequential impugned order passed by the 1st respondent in his proceedings T.R.B.19/2016-17/Va.Tho.Aa dated 28.03.2017 awarding work order in favour of the 2nd respondent and quash the same as illegal arbitrary and consequentially direct the 1st respondent to call for tender afresh in respect of the work namely, "Nagercoil (NH) Division:- Central Road Fund 2016-2017 in the work of Rebuilding of Monday Market - Manavalakuruchi (Via) Mankuzhi road from Km 0/0-5/7 including construction of drain" and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant : Mr.A.N.Ramanathan

For R3 : Mr.S.Jeyasingh
Central Government Counsel

JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

By consent, the writ appeal itself is taken up for final disposal.

2.Heard Mr.A.N.Ramanathan, learned Counsel appearing for the appellant and Mr.Jeyasingh, learned Central Government Counsel appearing for third respondent.

3.The Petitioner, whose tender was not accepted, has come forward to file the Writ Petition. At the time of entertaining the writ petition, the learned Single Judge issued notice alone. Aggrieved over the same, the present Writ Appeal has been filed. Though the learned counsel for the appellant would submit that a procedural irregularity is there and in such view of the matter, we are not inclined to pass any order in this appeal. Admittedly, the tender was opened on 13.03.2017 and the work order was issued on 28.03.2017. Now, morethan 50% of the work has already been over as on 26.06.2017. Therefore, we are not inclined to stall the project, which is crossed half a way.

<https://hcservices.courts.gov.in/hcservices/>
4. Accordingly, the writ Appeal stands dismissed. We request the learned Single Judge dealing with the Writ Petition to



expedite the hearing. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

To

1. The Special Chief Engineer,
National Highways Circle,
Tirunelveli.
2. Post Master Grade-I,
Maharaja Nagar-627 011.
Tirunelveli District.
3. Mr.R.Esakkimuthu Selvan,B.E.,
The Special Chief Engineer,
National Highways,
Maharaja Nagar-627 011.
Tirunelveli District.

+1cc to Mr.S.Jeyasingh, Advocate Sr.No.67856

+1cc to Spl.Government Pleader Sr.No.67950

TA/AM

VB/KK/SAR4/17/08/2017/3P/6C

W.A. (MD) No.992 of 2017
24.07.2017