



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.01.2017

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) .No.1261 of 2017 and W.M.P. (MD) No.1051 of 2017

G.Muralidaran

.. Petitioner

Vs.

- 1.State of Tamil Nadu rep. by its
Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.
- 2.The Director General,
Highways, Guindy, Chennai - 600 025.
- 3.The Superintending Engineer,
Highways Department (C&M), Madurai -2.
- 4.The Divisional Engineer,
Highways Department (C&M),
Theni, Theni District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from recovering any amount from the petitioner under the price adjustment mechanism without following the guidelines issued in Government Orders in G.O.Ms.No.101, Public Works (G2) Department, dated 10.06.2009 for the work viz., Package - 10 Improvements in Government Roads, in Peraiyikulam Sub-Division executed by the petitioner and direct the respondents to refund amount which was already recovered.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.C.Selvaraj,

Special Government Pleader

ORDER

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, forbearing respondents from recovering any amount from the petitioner under the price adjustment mechanism without following the guidelines issued in Government Orders in G.O.Ms.No.101, Public Works (G2) Department, dated 10.06.2009 for the work viz., Package - 10 Improvements in Government Roads, in Peraiyikulam Sub-Division executed by the petitioner and directing the respondents to refund amount which was already recovered.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

3. Mr.C.Selvaraj, learned Special Government Pleader, takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.



4. The learned counsel appearing on behalf of the petitioner submitted that he will be satisfied if the representation of the petitioner, dated 28.12.2016 is considered, on merits and in accordance with law, within the time frame to be fixed by this Court.

5. Having regard to the limited scope of prayer in the Writ petition, without expressing any opinion on the merits of the matter, the fourth respondent is directed to consider the representation of the petitioner, dated 28.12.2016 and pass orders on merits and in accordance with law, after giving opportunity of personal hearing to the petitioner, within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the Writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Chennai - 600 009.

2. The Director General,
Highways, Guindy, Chennai - 600 025.

3. The Superintending Engineer,
Highways Department (C&M), Madurai -2.

4. The Divisional Engineer,
Highways Department (C&M), Theni, Theni District.

+1 cc to MR.S.DORAISAMY, ADVOCATE, SR NO:4756

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO:4534

pmu

sva/mr/vb/31.01.2017/2p/7c

ORDER MADE IN
W.P. (MD) .No.1261 of 2017 and
W.M.P. (MD) No.1051 of 2017
27.01.2017 (1/3)