



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.01.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.1262 of 2017 and

W.M.P. (MD)No.1052 of 2017

WEB COPY

G.Muthu Govindan

.. 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 - 69 Widening from DL-ML & Improvements in km 3/160-3/350 and improvements in km 0/0-3/160, 3/360-6/080 of abandoned NH 45 Extn in Theni town including reconstruction of culverts (3 Nos.), construction of culvert (2 Nos.), construction of retaining wall, construction of drain (SHU45) in Theni (Highways) C and M Sub-Division executed by the petitioner and directing the respondents to refund amount which was already recovered.

For Petitioner

: Mr.S.Doraisamy

For Respondents

: Mr.C.Selvaraj,

Special Government Pleader

O R D E R

This Writ petition has been filed by the petitioner for issuance of 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 - 69 Widening from DL-ML & Improvements in km 3/160-3/350 and improvements in km 0/0-3/160, 3/360-6/080 of abandoned NH 45 Extn in Theni town including reconstruction of culverts (3 Nos.), construction of culvert (2 Nos.), construction of retaining wall, construction of drain (SHU45) in Theni (Highways) C and M 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 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 (CO)

/TRUE COPY/

Sub Assistant Registrar

To

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

+1cc to M/S. THE SPECIAL GOVERNMENT PLEADER, SR NO:4535

pmu

sva/mr/vb/31.01.2017/2p/6c