



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V. PARTHIBAN

W.P. (MD) No. 4300 of 2017

and

W.M.P. (MD) Nos. 3456 and 3457 of 2017

- 1.G.Suresh
- 2.C.Rajesh Anand
- 3.P.Mohandhass
- 4.P.Rajagopal

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Fort St.George, Chennai.
- 2.The Director,
Rural Development and Panchayat Raj Department,
Secretariat,
Fort St.George, Chennai.
- 3.The District Collector,
Nagercoil, Kanyakumari District.
- 4.The Project Director,
District Collector Office,
Nagercoil, Kanyakumari District.
- 5.The Assistant Director of Panchayats,
District Collector Office,
Nagercoil, Kanayakumari District.
- 6.Vilathurai Panchayat,
Rep.by the Special Officer,
Vilathurai,
Kanyakumari District.
- 7.The Special Officer,
Vilathurai Panchayat,
Vilathurai, Kanyakumari District.



8.The Village Panchayat Secretary,
Vilathurai Panchayat,
Vilathurai, Kanyakumari District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take action based on the petitioner's representation dated 04.03.2017 and cancel the works granted in the 6th respondent Village Panchayat without following due statutory procedures and ensure that due statutory procedures are followed in the matter of allotting works given under the 6th respondent Village Panchayat.

For Petitioners : Mr.N.Dilip Kumar

For Respondents : Mr.D.Muruganantham, AGP for R1 to 5
Mr.Mahesh Raja, G.A. For R6 and R7

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the respondents 1 to 5 to take action based on the petitioner's representation dated 04.03.2017 and cancel the tender works, which was granted by the 6th respondent / Village Panchayat and also ensure that whether statutory procedures are followed in the matter of allotting such tender works.

2.Heard the learned counsel for the petitioner, the learned counsel Additional Government Pleader appearing for R1 to R5 and the learned Government Advocate appearing for R6 and R7. By consent of both parties, the Writ petition itself is taken up for final disposal at the admission stage itself.

3.The petitioner has sought for a mandamus, directing the respondents to dispose of the representation dated 04.03.2017. Any grievance is made by way of representation before the authorities, the said authorities must be given sufficient time to respond the same. Hence, the prayer sought for by the petitioner is premature, since the said representation has been submitted only on 04.03.2017. Moreover, the petitioner is also seeking a further direction to cancel the contract works, which were allotted to third parties without following due process of law. The so called third parties, to whom the contract works were allotted, are not made as parties in this Writ petition. The grievance of the petitioner seems to be a general one and the same is not a specific one i.e., as to what action, initiated by the respondents, is contrary to the legal provisions.

4.Therefore, in the absence of any specific details regarding the contract work and in the absence of the third parties as party to this proceedings and also the fact that the



representation has been sent only on 04.03.2017 to the authorities, the prayer sought for in this Writ petition cannot be granted at this stage. Accordingly, this Writ petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law, if any grievance against any particular contract being awarded to any party contrary to the rules. No costs. Consequently, connected W.M.Ps. are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Secretariat,
Fort St. George, Chennai.

2. The Director,
Rural Development and Panchayat Raj Department,
Secretariat,
Fort St. George, Chennai.

3. The District Collector,
Nagercoil, Kanyakumari District.

4. The Project Director,
District Collector Office,
Nagercoil, Kanyakumari District.

5. The Assistant Director of Panchayats,
District Collector Office,
Nagercoil, Kanyakumari District.

+1cc to Mr. N. Dilip Kumar, Advocate, SR.No:14674

nbj

AE/RSK/28.03.2017/3P/7C

W.P. (MD) No. 4300 of 2017
14.03.2017