



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2017

CORAM :

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7752 of 2017
and
W.M.P(MD) .No.10310 of 2017

N.Srinivasan

... Petitioner

vs.

1. The District Collector,
Collectorate Building,
Theni District.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Theni District.
3. The Chief Engineer (Buildings),
Public Works Department,
Madurai Region,
Madurai.
4. The Superintending Engineer,
Buildings (Construction and Maintenance) Circle,
Public Works Department,
Madurai -625 002.
5. The Executive Engineer,
Buildings (Construction and Maintenance) Division,
Public Works Department, Theni.
6. The Assistant Executive Engineer,
Buildings (Construction and Maintenance)
Sub Division,
Public Works Department,
Periyakulam, Theni District.
7. The Headmaster,
Government Higher Secondary School,
Marugamalai Nagar,
E.Pudukkottai village,
Periyakulam Taluk,
Theni District.



8.Gopal

9.S.G.Sundarraaj

(R9 is impleaded as party vide order dated
17.07.2017 made in WMP(MD) No.

10310 of 2017)

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 2 to 6 herein to reconstruct the Government High School building at Marugamalai Nagar, Endapuli Village Panchayat, E.Pudukkottai Village, Periyakulam Taluk, Theni District by demolishing the portion of the work which was constructed by the eighth respondent with poor quality of materials based on the petitioner's representation dated 27.03.2017.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.M.Govindan,
1to7 Spl.G.P

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J)

The petitioner filed this writ petition with a grievance that the construction of a school building at Marugumalai Nagar, Endapuli Village Panchayat, E.Pudukkottai Village, Periyakulam Taluk, Theni District was not done by the eighth respondent taking into account the drawings and the structural plan.

2.The Executive Engineer filed a counter affidavit indicating that the building has already been constructed. According to the Executive Engineer, quality test was conducted on 23 March 2017 and 14 April 2017 and it was found that the building confirms to the ISI specification.

3.The learned counsel appearing on behalf of the ninth respondent submitted that the eighth respondent is the father of the Contractor and the proper party was not impleaded.

4.In view of the counter affidavit filed by the Executive Engineer and the submission made on behalf of the ninth respondent, there is no need for a factual adjudication in this matter. However, we make it clear that in case of any untoward incident involving the building in question, the ninth respondent would be made liable.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The writ petition is disposed of with above



observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(P&A)

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/True copy/

Sub Assistant Registrar

To

1. The District Collector,
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E.Pudukkottai village,
Periyakulam Taluk,
Theni District.

+1 cc to Mr.J.Lawrance , Advocate in SR.No. 66040
+1 cc to Special Government Pleader in SR.No.66267
skm/Arul
AE/JC/SAR2/28.07.2017/3P/10C

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and

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