

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.140 of 2010

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.10134 of 2009 dated 11.08.2009. The appellants herein are the petitioners in the writ petition.

In the order under appeal the Learned Single Judge, after examining the contents of the counter-affidavit and the report of the National Quality Monitor, observed that the material, as well as the quality of the work in question, was being monitored regularly; the work executed by the contractor was found to be satisfactory; and, as the averments in the counter were not disputed by the appellant-writ petitioners, it could not be said that the material used by the contractor in laying the road was of inferior quality; and the respondents, inspite of complaints, were neither inspecting the work nor taking any action thereupon. Having found no merit, the Learned Single Judge dismissed the writ petition.

The quality of the work, executed by the contractor, has been certified as satisfactory by the inspecting team from the National Quality Monitor, and the officials of the National Rural Roads Development Agency. In the light of the report of the expert body, this Court would not take upon itself the task of determining whether or not the road, laid by the contractor, is of the prescribed quality. The writ appeal, as filed, is devoid of merits. In an intra-court appeal, under Clause 15 of the Letters Patent, interference is justified only if the order under appeal suffers from a patent illegality. We find no such infirmity in the order under appeal.

The Writ Appeal fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

03rd April, 2017
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