

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/02/2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.20 of 2013

M/s.Vignesh Constructions,
Rep. by Partner M.U.Jothi,
Elvanasoorkottai,
Ulnderpettai,
Villupuram District.

.. Petitioner

Vs.

1. The District Collector,
Collectorate Buildings,
Villupuram.
2. The Planning director,
Rural Development Office,
Villupuram.
3. The Assistant Engineer,
Thirunavalur Panchayat Union,
Ulnderpet Taluk,
Villupuram District.
4. The Block Development Officer,
Thirunavallur Panchayat Union,
Ulnderpet Taluk,
Villupuram District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the fourth respondent in reference to his proceedings in Na.Ka.A2/1570/2011, dated 18.11.2012 and quash the same and consequently direct the third respondent to earmark the place in respect of Serial Nos.3,5,6 & 7 of the impugned order by quoting the estimated amount with 5% increase for every year from 2012.

For Petitioner : Mr.M.Manivannan

For Respondents : Mr.N.Inbanathan

Additional Government Pleader
for R-1 to R-3

Mr.A.S.Senthilvel for R-4

O R D E R

Heard Mr.M.Manivannan, learned counsel for the petitioner; Mr.N.Inbanathan, learned Additional Government Pleader for the respondents 1 to 3; Mr.A.S.Senthilvel, learned counsel for the fourth respondent and perused the records.

2. This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the fourth respondent in his proceedings in Na.Ka.A2/1570/2011, dated 18.11.2012 and to quash the same and consequently direct the third respondent to earmark the place in respect of Serial Nos.3,5,6 & 7.

3. According to the petitioner, the petitioner-firm is a contractor. The fourth respondent issued a tender notification to carry out 25 jobs for pipeline projects in Thirunavalur Panchayat Union and the petitioner became the successful bidder for all 25 jobs and it also started works strictly as per the conditions stipulated in the tender. Out of 25 jobs awarded by the respondents, the petitioner has completed 20 works without any delay. While so, the fourth respondent in the impugned order dated 18.11.2012 directed the petitioner to complete the works mentioned in the said notice within 15 days.

4. The petitioner would further state that out of 8 jobs mentioned in the notice, the petitioner had completed item Nos.4 and 8 even in June 2012, the same was handed over to the Presidents of the said Panchayats and the the Panchayats had also written letter to the fourth respondent acknowledging the completion of the works.

5. The petitioner would allege that in respect of Serial Nos.3,5,6 and 7, the third respondent had not identified the places to carry out the works and without making payment for the works completed, this impugned notice has been issued with intention to cancel the work orders. Hence, the petitioner has come up before this Court challenging the notice.

6. In the counter filed by the fourth respondent, it has been stated that 25 water supply works were entrusted to the petitioner with a condition to complete the work on or before 31.12.2010. It is further stated that the site selections has to be done by the petitioner in consultation with the concerned Village Panchayats and the sites had also been identified. Since the petitioner has not completed the works in time, this

impugned notice was issued.

7. It is the case of the fourth respondent that in respect of the works said to have been completed, the petitioner has not submitted bills including the purchase of electric motor and other accessories. Since the impugned notice is only a show cause notice, the present Writ Petition is not maintainable.

8. It is not in dispute that pursuant to the tender floated by the fourth respondent dated 10.11.2010, the petitioner was awarded with work order on 20.11.2010 with a condition to complete the works on or before 31.12.2010. The impugned notice came to be issued after expiry of two years, directing the petitioner to complete the 8 un-commenced works within a period of 15 days.

9. The case of the petitioner is that in respect of five items, the third respondent has not earmarked the places, despite the request made by the petitioner. It is to be noted that admittedly no request was made by the petitioner to identify the places till the impugned order came to be issued on 18.11.2012.

10. It is also an admitted fact that works have not be completed as per the work order. By the impugned notice, the fourth respondent has not cancelled the work orders issued in favour of the petitioner, but only directed him to complete the un-commenced works within the stipulated time 15 days. Instead of approaching the respondents for necessary instructions, this Writ Petition has been filed with untenable allegations.

11. It is seen that the tender was floated in the year 2010 to supply drinking water to the general public in Thirunavalaaur Panchayat Union and after lapse of three years, this Writ Petition was filed seeking direction to earmark the place in respect of some works in a lethargic manner without properly understanding the emergent situation prevailed during the relevant period.

12. In the light of the above facts, I do not find any merits in the Writ Petition. The Writ Petition fails and the same is dismissed. There is no order as to costs.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Collectorate Buildings,
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 2. The Planning director,
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Ulnderpet Taluk,
Villpupram District.
- +2 cCs to Mr.M. Manivannan, Advocate sr 12676.
+1 CC to Govt. Pleader sr 13684.

W.P.No.20 of 2013

KGK(CO)
SP(28/02/2018)