

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKYAM

W.P.No.24589 of 2018
and W.M.P.No.28618 of 2018

K.Mohan

... Petitioner

Vs

1.The Superintending Engineer,
Highways Department,
Construction & Maintenance,
Chennai Circle, Anna Salai,
Chennai-6.

2.The Divisional Engineer,
Highways Department,
Construction & Maintenance,
Chennai Circle, Anna Salai,
Chennai-6.

3.The Deputy Commissioner of Police,
Traffic, B-1, North Beach Police Station,
Chennai.

4.The Assistant Commissioner,
Traffic, Flower Bazaar, सत्यमेव जयते
Chennai.

5.The Inspector,
Traffic, Flower Bazaar,
Chennai.

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India, praying for issuance of Writ of Mandamus forbearing the respondents 3 to 5 from preventing the petitioner from executing the construction of drain work as per the acceptance of tender in Letter TRP.No.142/2018-19 (Vol.34)/D2 dated 26.07.2018 on the file of the 1st respondent and direct the respondents 3 to 5 to

give protection to execute the work.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mrs.M.Prabhavathi, APP

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus or order or direction in the nature of a Writ forbearing the respondents 3 to 5 from preventing the petitioner from executing the construction of drain work as per the acceptance of tender in Letter TRP.No.142/2018-19 (Vol.34)/D2 dated 26.07.2018 on the file of the 1st respondent and direct the respondents 3 to 5 to give protection to execute the work.

2.The learned counsel for the petitioner has submitted that the petitioner is a Class-I registered Contractor under the Highways Department. He further submitted that the 1st respondent has called for tenders for construction of Drain at km 0/3 to 1/0 RS of Grand Western Trunk Road including construction of Box culvert at junction of Grand Northern Trunk Road. He further submitted that the total contract value was Rs.3,30,75,694/- [Rupees Three Crores Thirty Lakhs Seventy Five Thousand Six Hundred and Ninety Four only]. He further submitted that the petitioner's tender was accepted by the 1st respondent and issued an order through Letter TRP.No.142/2018-19 (Vol.34)/D2 dated 26.07.2018. In pursuance of the same, the petitioner has deposited a sum of Rs.4,74,000/- [Rupees Four Lakhs Seventy Four Thousand Only] as security deposit and an agreement was also executed on 10.08.2018. He further submitted that as per the said agreement, the petitioner has to complete the aforesaid work within six months and hence, on 10.08.2018, the petitioner went to the spot with the necessary equipments, such as, lorry, JCB and other machineries, but, the Traffic Sub Inspector, who came there prevented the petitioner from executing the work and also directed to get permission from the respondents 3 to 5. He further submitted that the respondents 3 to 5 have no right to prevent the work, which was issued by the 1st respondent and on the contrary, they have to give protection to the petitioner to execute the said work and hence, he requests to issue suitable directions to the respondents 3 to 5.

3.The learned Additional Public Prosecutor has submitted that the said area is a congested one and if the aforesaid work is started, that would affect the traffic and hence, the respondents 3 to 5 objected for executing the said order.

4.It is an admitted fact that the 1st respondent has accepted the tender submitted by the petitioner, for construction of drain in the aforesaid place and as per the

agreement executed between the petitioner and the 1st respondent dated 10.08.2018, the said work has to be completed within six months and in such a case, the respondents 3 to 5 cannot prevent the petitioner from executing the aforesaid work. Further, if anyone raises any objection, the respondents 3 to 5 have to give protection to the petitioner to execute the aforesaid work.

5. For the above said reasons, this Writ Petition is allowed. The respondents 3 to 5 are directed not to prevent the petitioner from executing the aforesaid work and they should give protection to the petitioner, if necessary, for executing the aforesaid work. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer,
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Chennai.

5.The Inspector,
Traffic, Flower Bazaar,
Chennai.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.65474

W.P.No.24589 of 2018

CP (CO)
GSP (24/09/2018)



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