

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.18365 of 2018

S.M.Constructions
Rep. By its proprietor,
S.M.Selvam,
S/o.S.M.Mari,
No.1/57, Somanahalli Via,
Indur, Nallampalli Taluk,
Dharmapuri District.

.. Petitioner

Vs.

The Superintending Engineer,
Public Works Department,
(Buildings Construction and Maintenance)
Kumarasamipatti,
Salem 636 007.

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to register the petitioner's concern as Class-I contractor with the respondent department and to issue the certificate to that effect based on the application of the petitioner concern dated 15.12.2017 and subsequent communication of the respondent dated 27.03.2018 in letter No.90M/VAPA/KO.Manu/2018 within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.V.Shanmugasundar
Spl. Govt. Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondent to register the petitioner's concern as Class-I contractor with the respondent department and to issue the certificate to that effect based on the application of the petitioner concern dated 15.12.2017 and subsequent

communication of the respondent dated 27.03.2018 in letter No.90M/VAPA/KO.Manu/2018

2. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader on behalf of the respondent.

3. According to the learned counsel for the petitioner, the petitioner is a proprietaryship concern and Class-1 Registered Contractor with the Rural development Agency and also the Tamil Nadu Police Housing Corporation as civil contractor. It is also registered with the Project District of District Rural Development Agency, Dharmapuri. The petitioner also claimed that they have an experience of more than 15 years in Civil Contract works. The petitioner has started the proprietorship concern under the name of S.M.Constructions which was registered with the office of the Joint I Sub Registrar, Chennai North. As the petitioner has got rich experience in Civil Contract and a Class-1 Contractor, they have made an application before the respondent on 15.12.2017 along with all the necessary documents including Solvency Certificate, Encumbrance Certificate, Income Tax Returns, Experience Certificate, GST Registration Certificate, Declaration Certificate, PAN Card and DRPA Registration Certificate as Class-1 Contractor along with work completion Certificate of Government and private works. On receipt of the said request, the respondent had sent an communication dated 27.03.2018 in its letter No.90M/VA.PA./KO.Manu/2018, wherein, the respondent has stated that the application of the petitioner is being scrutinized. As there is no response thereafter, the petitioner has once again sent a remainder on 26.06.2018 along with the relevant documents to declare themselves as a Class-1 Contractor, which was pending with the respondent.

4. Even before this Court, the petitioner has filed those additional documents. Whether these documents are correct or incorrect, relevant or irrelevant, required or not required are to be considered only by the respondent and this Court cannot examine the same. Hence the petitioner is directed to furnish another set of documents to the respondent within a period of one week from the date of receipt of a copy of this order.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondent to consider the request of the petitioner to list as a first Class-1 Contractor and pass appropriate orders, on merits and in accordance with law, after

issuing notice and also affording due opportunity of hearing to the petitioner, as well as any of the interested parties, within a period of four weeks thereafter.

6.With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jv

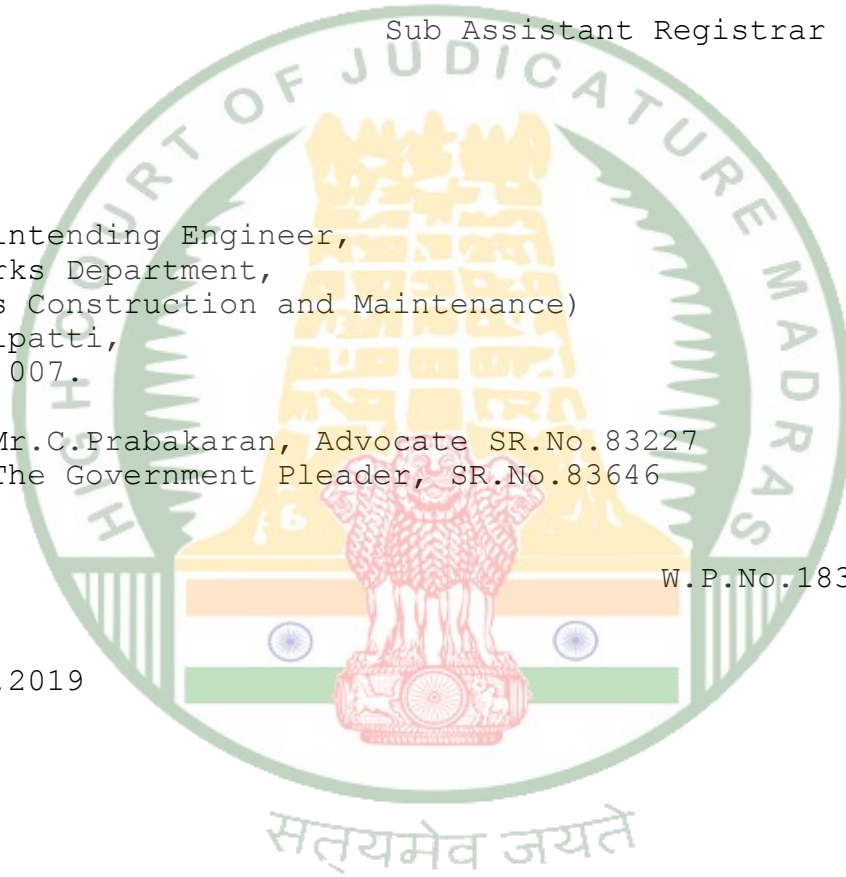
To

The Superintending Engineer,
Public Works Department,
(Buildings Construction and Maintenance)
Kumarasamipatti,
Salem 636 007.

+1 cc to Mr.C.Prabakaran, Advocate SR.No.83227
+1 cc to The Government Pleader, SR.No.83646

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GJ-II(CO)
CSL/22.01.2019



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