

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.21471 of 2006 and 18896 to 18898 of 2007
And
M.P.Nos.1 of 2006 and 1 to 1 of 2007

R.Sankaralingam ... Petitioner in all the W.Ps.

Vs.

1. The Senior Manager (Tamil Nadu),
Regional Office, Food Corporation of India,
124, Greams Road, Chennai 600 006.

...1st Respondent in W.Ps.21471 of 2006,
18897 of 2007 & 18898 of 2007

- 1.The Assistant General Manager (Contract)
for G.M. (Tamil Nadu)
Regional Office, Food Corporation of India,
124, Greams Road, Chennai 600 006.

...1st Respondent in W.P.18896 of 2007

- 2.The Manager,
Food Corporation of India,
Sivadapuram Post,
Salem 636 307.

...2nd Respondent in all the W.Ps.

- 3.M/s.S.P.Transport,
H & T Contractors

...3rd Respondent in W.P.18897 of 2007

- 3.The Area Manager,
Food Corporation of India,
District Office, Tatabad,
Coimbatore.

...3rd Respondent in W.P.18898 of 2007

Prayer in W.P.No.21471 of 2006:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents to pay the bill claimed by the petitioner towards the excess distance covered by the petitioner and terminate the agreement entered into between the first respondent and the petitioner and consequently discharge the petitioner from the obligations prescribed under the tender agreement.

Prayer in W.P.No.18896 of 2007:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order of termination bearing No.S&C/13/5/1/2005/ Cont on the file of the General Manager, Food Corporation of India, Regional Office, Greams Road, Chennai-6 dated 26.09.2006 the first respondent herein and to quash the same and consequently direct the respondents to permit the petitioner to continue his work.

Prayer in W.P.No.18897 of 2007:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order bearing No.S&C 13/5/1/2006 Adhoc/Cont dated 17.03.2007 appointing the third respondent as adhoc loading/unloading/handling and transport contractors for the period from 17.03.2007 to 16.09.2007 the first respondent herein and to quash the same and consequently direct the respondents to permit the petitioner to continue his work.

Prayer in W.P.No.18898 of 2007:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the letter bearing No.13/16/Cont/SLM/2005/Vol.III dated 10.08.2006 on the field of the third respondent, instructing the petitioner to remit the additional expenditure to the tune of Rs.16,96,523/- on the field of the third respondent herein and to quash the same.

For Petitioner in all WPS : Mr.U.Karunakaran

For Respondents in all WPS : Mr.M.Karthikeyan for R1 and R2

C O M M O N O R D E R

The petitioner has filed the writ petition in W.P.No.21471 of 2006 seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to pay the bill claimed by the petitioner towards the excess distance covered by the petitioner and terminate the agreement entered into between the first respondent and the petitioner and to consequently discharge the petitioner from the obligations prescribed under the tender agreement.

2.The petitioner has filed the writ petition in W.P.No.18896 of 2007 seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order of termination bearing No.S&C/13/5/1/2005/ Cont on the file of the General Manager, Food Corporation of India, Regional Office, Greams Road, Chennai-6 dated 26.09.2006/ the first respondent and to quash the same and to consequently direct the respondents to permit the petitioner to continue his work.

3.The petitioner has filed the writ petition in W.P.No.18897 of 2007 seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order bearing No.S&C 13/5/1/2006 Adhoc/Cont dated 17.03.2007 appointing the third respondent as adhoc loading/unloading/handling and transport contractors for the period from 17.03.2007 to 16.09.2007 the first respondent and to quash the same and to consequently direct the respondents to permit the petitioner to continue his work.

4.The petitioner has filed the writ petition in W.P.No.18898 of 2007 seeking issuance of Writ of Certiorari calling for the records pertaining to the letter bearing No.13/16/Cont/SLM/2005/Vol.III dated 10.08.2006 on the file of the third respondent, instructing the petitioner to remit the additional expenditure to the tune of Rs.16,96,523/- on the file of the third respondent and to quash the same.

5.As all the writ petitions are filed by the same petitioner and similar issue is involved in all these petitions, all the writ petitions are taken up together and disposed of by way of a common order.

6.The petitioner is the Proprietor of M/s.Sri Balaji Hydraulics and Transport Contractor and is doing business relating to transport of goods. The second respondent invited tender for appointment of Transport Contractors for loading/unloading of food grains bags between Food Corporation of India Godown at FSD Salem and Railhead at Salem Junction. The

petitioner participated the bid and the petitioner was declared as successful bidder. Therefore, the petitioner was appointed as Contractor for a period of two years.

7.The petitioner performed his work without any defect and transported the food grain between Food Corporation of India Godown at FSD Salem and Railhead at Salem Junction via Aryagoundampatty, Selathampatty for a distance of 4 kms for more than seven months. The petitioner stated that the rate quoted for the same is Rs.31.50 per MT calculating the distance and time taken for the vehicle. However, thereafter the petitioner was directed to transport vehicles beyond 4 kms for which there was a dispute between the petitioner and the Food Corporation of India. Accordingly, the petitioner raised additional bills with regard to the excess kilometers transported contrary to the tender agreement and for non payment of the bills, the petitioner has filed these writ petitions.

8.The learned counsel appearing for the petitioner would submit that after filing of these writ petitions, a suit between the petitioner and Food Corporation of India was filed before the competent Civil Court.

9.In view of the above, nothing survives for adjudication in these writ petitions. However, this order will not stand on the way of the petitioner to adjudicate his case before the competent Civil Forum in the manner known to law.

10.Accordingly, all the writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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+1cc to Mr.M.Karthikeyan, Advocate, S.R.No.46270

W.P.Nos.21471 of 2006 and
18896 to 18898 of 2007
And
M.P.Nos.1 of 2006 and
1 to 1 of 2007

BM 06/08/2018