



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

And

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.13807 of 2018

and

W.M.P. (MD)Nos.12538 & 12539 of 2018

D.Raja

... Petitioner

Vs.

1. The Principal Secretary to
Government of Tamil Nadu,
Department of National Highways,
Fort St.George, Chennai.
2. The District Collector,
Trichy District, Trichy.
3. The Chief Engineer,
(National Highways),
Guindy, Chennai.
4. The Chief Engineer,
MORT & H, Government of India, New Delhi.
5. The Superintendent Engineer,
(National Highways)
National Highways Circle,
Madurai - 625 002.
6. The Deputy Superintendent of Police,
Vigilance and Anti Corruption, Trichy.
7. M/s.Preethi Construction Pvt. Ltd.,
Rep. by its Director Mr.Thirukumaran,
Rail Vihar, A-Type, Opp.Ulavar Santhai,
K.K.Nagar, Trichy - 21.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to conduct a detailed enquiry into the work done by the 7th respondent in strengthening in Km 0/0-10/0 of NH 210 including construction of centre median in Km 0/0-14/0 of Trichy-Ramanathapuram Road in the state of Tamilnadu as per the notification in Tn.No.29/2017 DO/dt.25.09.2017 and take proper legal action on the erring officials and other for the lapses committed by them within the stipulated time fixed by this Court.



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For Petitioner	: Mr.C.Masilamani
For R1 to R3, R5 & R6	: Mr.R.Sethuraman Special Government Pleader
For R7	: Mr.S.Ravi for
	Mr.N.V.Nagendran
For R4	: Mrs.S.Ragaventhree

ORDER

(Order of the Court was made by C.T.SELVAM, J.)

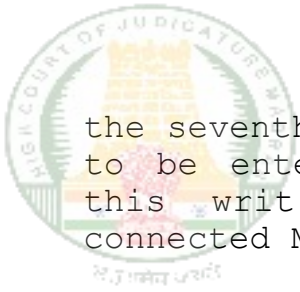
This Writ Petitioner seeks issuance of a Writ of Mandamus directing the first respondent to conduct a detailed enquiry into the work done by the 7th respondent in strengthening in Km 0/0-10/0 of NH 210 including construction of centre median in Km 0/0-14/0 of Trichy-Ramanathapuram Road in the state of Tamilnadu as per the notification in Tn.No.29/2017 DO/dt.25.09.2017 and take proper legal action on the erring officials and other for the lapses committed by them within the stipulated time fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The seventh respondent is the successful bidder, whose work is said to be substandard. He has filed a counter affidavit informing at paragraph No.6 thereof, as follows:-

"... In the instant case, this writ petition is filed due to personal vendetta. Reason being, the petitioner namely D.Raja is none other than grandson of sister of one Kannaiyan, who is the maternal uncle of the petitioner's mother (Managing Director of M/s.Velan Builders Private Limited). The said Kannaiyan is also one among the participants in the current tender process conducted by the fifth respondent herein. Since, he had not succeeded in the tender process, having aggrieved, he had earlier preferred a writ petition before this Honourable Court in W.P.(MD)No.774 of 2018 and the same was dismissed by this Hon'ble Court by order, dated 06.02.2018. Therefore only with the malafide intention to create hindrance to the 7th respondent by one way or other, he engaged the petitioner, who is a close relative of the said Kannaiyan to prefer this Writ Petition as Public Interest Litigation, which is nothing but abuse of process of Law."

4.The learned counsel for the petitioner is not able to deny the truth of such averments made by the seventh respondent. He however would seek to take this Court to material in the counter of



the seventh respondent. We are in no doubt that this petition is not to be entertained, as a Public Interest Litigation. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal Secretary to
Government of Tamil Nadu,
Department of National Highways,
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2. The District Collector,
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4. The Chief Engineer,
MORT & H,
Government of India,
New Delhi.
5. The Superintendent Engineer,
(National Highways)
National Highways Circle,
Madurai - 625 002.
6. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Trichy.

+1CC to Mr.C.Masilamani, Advocate, SR.No. 74786
+1CC to Mr.V.Nagenthiran, Advocate, SR.No. 74439
+1CC to the Special Government Pleader SR.No. 74469

W.P (MD) No.13807 of 2018
23.07.2018

RJ2

ES/SKN/RSK/SAR 2/02.08.2018/3P/10C

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