



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.25574 of 2009

and

M.P.Nos.2 of 2009 & 1 of 2014

M/s.Chandragiri Construction Company,
Thekkil Post, Kasargod,
Kerala-671 541,
Rep.by its Partner Mohideen Kunhi.

...Petitioner

Vs

1.State of Tamil Nadu rep.by its
Principal Secretary to Government,
Public Works Department,
Fort St.George, Chennai -9.

2.The Chief Engineer,
Water Resources Department,
Public Works Department,
Chennai - 600 005.

3.The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 600 005.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorari, to call for the entire records relating to the Impugned Letter No.13218/P2/2007-2, dated 15.09.2009 passed by the 1st respondent and quash the same.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

Heard Mr.K.Premkumar, learned counsel for the petitioner, Mr.A.N.Thambidurai, learned Special Government Pleader for the respondents.



WEB COPY

2. This writ petition has been filed challenging the Letter No.13218/P2/2007-2, dated 15.09.2009 issued by the first respondent, whereby, the subordinate officials have been directed to pursue action to black list the petitioner company.

3. In the counter affidavit filed by the respondents, especially at paragraph No.16, it has been stated as follows :

" 16. As regards the averments made in grounds (g), (h) and (i) of the affidavit it is submitted that the executive instructions issued by the first respondent herein to list out the cases of lapses on the part of the petitioner company and other contractors would never be taken as a conclusive decision for doing so and in the event of such a contingency warranting blacklisting the petitioner company and other contractors, the procedure as laid down would be followed and the petitioner company would be given an opportunity to plead for its side....."

4. In the case on hand, it is not disputed that so far, the petitioner has not been blacklisted and this writ petition has been filed assailing the executive instructions given by the first respondent. Since it has been specifically stated in the counter affidavit extracted supra that in the case of blacklisting, the petitioner would be given opportunity, I am of the considered opinion that no further adjudication is required in this writ petition.

5. Accordingly, the writ petition stands closed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms
To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai -9.



2.The Chief Engineer,
Water Resources Department,
Public Works Department,
Chennai - 600 005.

3.The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 600 005.

+1cc to M/s.K.Premkumar, Advocate Sr.62318
+1cc to the Government pleader Sr.61949

W.P.No.25574 of 2009
and
M.P.Nos.2 of 2009 & 1 of 2014

cp[co]
srg 10/09/2019