

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No.13279 of 2019

P.S.K.Infrastructure and Projects
Private Limited,
Reg. Office 8-2-248/1/7/51
Nagarjuna Hills, Punjagutta,
Hyderabad 500 082,
Represented by its Manager,
P.V.H.S.Kishore Babu

... Petitioner

Vs.

- 1.National Highways Authority of India,
Rep. by its Chief General Manager,
Sri Tower, 3rd Floor,
DP-34, S.P. Industrial Estate,
Guindy, Chennai 600 032.
- 2.Project Director,
National Highways Authority of India,
Project Implement Unit (PIU),
Coimbatore, Tamil Nadu.
- 3.The General Manager,
I.D.B.I Bank Ltd.,
Main Branch, Chapel Road,
Hyderabad 500 001,
Telungana.
- 4.IVRCL, Chengapalli Tollways Ltd.,
M.22/3RT. Vijaya Nagar Colony,
Hyderabad,
Telungana500057.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider and pass orders on the representation given by the Petitioner dated 14.03.2019 to direct the 3rd respondent to make the payment due and payable to Petitioner for Bituminous work done from Chengapalli to Coimbatore Bypass in the NH.47.

For Petitioner : Mr.K.R.Krishnan

For Respondents : Mr.Su.Srinivasan, CGSC for R1 and R2
Mr.S.Sathiyarayanan for R3
Mr.J.Ravikumar for R4.

O R D E R

This Petition has been preferred by the Petitioner to direct the First and Second Respondents to consider and pass orders on the representation dated 14.03.2019 to direct the 3rd respondent to make the payment due and payable to Petitioner for Bituminous work done from Chengapalli to Coimbatore Bypass in the NH.47.

2. Learned Counsel for the First and Second Respondents, referring to the Counter Affidavit filed by the First and Second Respondents, submits that the Petitioner is a Sub-Contractor engaged by the Fourth Respondent with whom the First and Second Respondents do not have any privity of contract and in such circumstances, the First and Second Respondents cannot be saddled with any obligation to dispose the representation dated 14.03.2019 made by the Petitioner with reference to private commercial transaction between the Petitioner and the Fourth Respondent.

3. In view of the aforesaid submissions made, the Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to work out his remedy for necessary relief against the Fourth Respondent in the manner recognized by law.

4. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

rkp/gsa
To

1.The Chief General Manager,
National Highways Authority of India,
Sri Tower, 3rd Floor,
DP-34, S.P. Industrial Estate,
Guindy, Chennai 600 032.

2.Project Director,
National Highways Authority of India,
Project Implement Unit (PIU),
Coimbatore, Tamil Nadu.

3.The General Manager,
I.D.B.I Bank Ltd.,
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Hyderabad 500 001,
Telungana.

4.IVRCL, Chengapalli Tollways Ltd.,
M.22/3RT. Vijaya Nagar Colony,
Hyderabad, Telungana 500 057.

+lcc to Mr.SU.Srinivasan Advocate, S.R.No.70451
+lcc to Mr.K.R.Krishnan Advocate, S.R.No.70362

RJI (CO)
CB(13/09/2019)

WP.13279 of 2019



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