



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD)No.883 of 2019

and

C.M.P. (MD)Nos.7907 and 7908 of 2019

Maranthai Kanmoi Ayakattutharargal,
Vivasaya Nala Sangam,
Rep.By its Secretary,
Karuppaiah

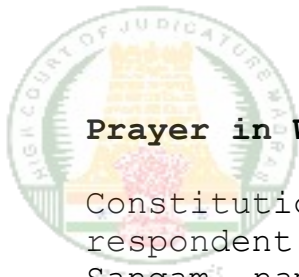
... Appellant / Petitioner

- Vs. -

- 1.The District Collector,
Collectorate Building,
Ramanathapuram.
- 2.The Executive Engineer,
Public Works Department,
(PWD), Gundar Basin Division,
Tallakulam, Madurai-625 002.
- 3.The Assistant Engineer,
O/o.The Assistant Engineer,
PWD Gundar Basin Division,
Mudhukulathur,
Ramanathapuram District.
- 4.The Joint Registrar,
O/o.The Joint Registrar Office,
Ramanathapuram.
- 5.The Village Administrative Officer,
Maranthai Village, Maranthai Post,
Kadaladi Taluk,
Ramanathapuram District.
- 6.Maranthai Periya Kanmoi
Ayakattutharargal Sangam,
Rep.By its President,
Jeganathan

... Respondents / Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act,
against the order made in W.P.(MD)No.16966 of 2019, dated
01.08.2019.



Prayer in WP(MD). 16966/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To directing the 2nd respondent to allot the Maramathu Works of Maranthai Kanmoi by Sangam namely maranthai Kanmoi Ayakattutharargal Vivasaya Nala Sangam on the basis of the petitioners representation dated 22/07/2019

For Appellant : Mr.N.Ananthapadmanabhan

For R-1 to R-5 : Mr.VR.Shanmuganathan
Special Government Pleader

J U D G M E N T

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This writ Appeal is directed against the order passed in W.P. (MD)No.16966 of 2019, dated 01.08.2019 in dismissing the writ petition filed by the appellant herein.

2.The writ petition was filed for Mandamus directing the second respondent therein to allot the Maramathu Works of Maranthai Kanmoi, by Sangam namely, Maranthai Kanmoi Ayakattutharargal Vivasaya Nala Sangam, on the basis of the petitioner's representation dated 22.07.2019.

3.The Writ Court, after hearing both sides and also finding that the said work has been entrusted by the respondents to another Sangam and that the said Sangam has also commenced the work on 15.07.2019, dismissed the writ petition as no relief can be granted to the writ petitioner.

4.The learned counsel for the appellant contended that the very allotment in favour of other Sangam is bad, since the registration of the said Sangam was with some material defects in respect of the members enrolled in the said Sangam. Therefore, he sought to contend that the allotment, in favour of other Sangam, which is not registered properly, cannot be sustained.

5.We are not inclined to entertain such contention in the present proceedings, since the prayer sought for in the writ petition is only for a Mandamus to allot the work, whereas the fact remains that the work is allotted to another Sangam and they have also commenced the work. If that be the case, it is for the petitioner to challenge the said allotment in the manner known to law without resorting to pursue the present writ petition which was filed only for Mandamus. Therefore, we find that the present writ appeal cannot be entertained, more particularly, when there is no



challenge against the allotment already made in favour of other Sangam. However, it is open to the writ petitioner to challenge the said allotment before the appropriate Forum in the manner known to law.

6. With the above observation, this writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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Ramanathapuram District.
- +1 cc Mr. N. ANANTHAPADMANABAN , Advocate, SR.No.84281