



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.20084 of 2019

and

W.M.P (MD) Nos.16618 and 16619 of 2019

Ramar

... Petitioner

vs.

- 1.The State, represented by
The Principal Secretary,
Public Works (W2) Department,
St.George Fort,
Chennai-5.
- 2.The Engineer in Chief and
Chief Engineer (General),
Water Resources Department,
Public Works Department,
St.George Fort,
Chennai -5.
- 3.The District Collector,
Collectorate Building,
Ramanathapuram.
- 4.The Executive Engineer,
Public Works Department,
Gundar Basin Division,
Tallakulam,
Madurai - 625 002.
- 5.The Assistant Engineer,
Office of the Assistant Engineer,
P.W.D.Gundar Basin Division No.II,
Kadaladi,
Ramanathapuram District.
- 6.The District Registrar,
Office of the District Registrar,
Ramanathapuram.



7.The Village Administrative Officer,
Maranthai Village, Maranthai Post,
Kadaladi Taluk,
Ramanathapuram District.

8.Maranthai Periya Kanmoi Ayyakattutharargal Sangam,
represented by its President,
Jeganathan,
Son of Muthu Thevar,
Maranthai Village,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned work order issued by the fifth respondent dated 8.8.2019 in Ref.Nil in favour of the 8th respondent and to quash the same as illegal and further to direct the respondents 1 to 5 to allot the Kudimaramathu work as per the conditions laid down in G.O.Ms.No.12 PW(W1)Department, dated 21.1.2017.

For Petitioner : Mr.N.Anandapadmanabhan
for M/s.APN Law Associates

For Respondents : Mr.A.K.Baskarapandian,
1 to 7 Spl.Govt.Pleader

O R D E R

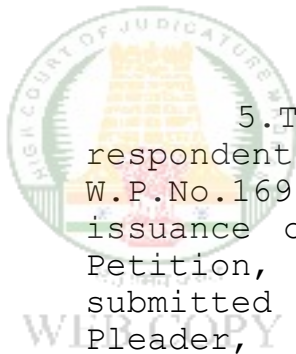
(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.N.Anandapadmanabhan, learned counsel appearing for the Petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader, who accepts notice on behalf of the the respondents 1 to 7.

2.By consent of either side, this writ petition is taken up for disposal.

3.The Petitioner, who is an individual, seeks for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the fifth respondent, dated 8.8.2019 by which, de-silting work of a water body has been entrusted to the 8th respondent/Society.

4.The Petitioner's contention is that the 8th respondent society, has produced some bogus records to show that as if they have sufficient number of members as Ayakattudhars and registration of the society has also been granted without verifying the details.



5.The learned Special Government Pleader appearing for the respondents 1 to 7 pointed out that earlier one Karuppiyah filed W.P.No.16966 of 2019 virtually for the very same relief praying for issuance of a Writ of Certiorarified Mandamus. In the said Writ Petition, the Executive Engineer, Gundar Basin Division, Madurai submitted a written instruction to the learned Special Government Pleader, dated 1.8.2019, setting out various facts. After considering the said communication and facts stated therein, the Writ Petition was dismissed. Subsequently, the present attempt of the Petitioner is to re-open the same issue. After hearing the learned counsel for the parties, though we know that the 8th respondent is an individual and de-silting work is granted to the association of Ayakattudhars, if rival association is before this Court, it would be a different matter. With regard to the fact that the 8th respondent has produced the bogus records and registered the society and secured the de-silting work, it is for the Petitioner to approach the appropriate forum to establish the same. However, on instructions, the learned Special Government Pleader submits that the work has commenced and 60% of the work has already been completed. Hence, this Court is not inclined to entertain this Writ Petition, at this stage.

6.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary,
Government of Tamil Nadu,
Public Works(W2)Department,
St.George Fort,
Chennai-5.

2.The Engineer in Chief and
Chief Engineer(General),
Water Resources Department,
Public Works Department,
St.George Fort,
Chennai -5.



3.The District Collector,
Collectorate Building,
Ramanathapuram.

4.The Executive Engineer,
Public Works Department,
Gundar Basin Division,
Tallakulam, Madurai - 625 002.

5.The Assistant Engineer,
Office of the Assistant Engineer,
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7.The Village Administrative Officer,
Maranthai Village,
Maranthai Post,
Kadaladi Taluk,
Ramanathapuram District.

+1 CC to M/s.M.VIJI, Advocate SR-87391.

+1 CC to SPL GP SR-87972.

ORDER MADE IN
W.P. (MD) .No.20084 of 2019
and
W.M.P (MD) Nos.16618 and
16619 of 2019
18.09.2019

CS(24.09.2019) 4P 10C