



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2019

CORAM:

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

W.P(MD)No.21887 of 2019
and
W.M.P. (MD)Nos.18646 and 18647 of 2019

J.Selvakumar

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St.George, Chennai.

2.The Chief Engineer (Highways),
Construction and Maintenance,
Integrated Chief Engineers' Office,
HRS Campus, No.76, Sardar Patel Road,
Guindy, Chennai-25.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Tirunelveli,
Tirunelveli District.

5.Krishnasamy

6.Syed Ali Ibrahim Ribai

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 3 herein to take appropriate action against the respondents 4 to 6 for the irregularities committed in laying of highway road between the place called Thatchanallur to Thalaiyuthu at Tirunelveli District and to ensure and re-laid the road by following the Tamil Nadu Transparency in Tenders Act, 1998.



For Petitioner : Mr.A.Saravanan
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

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ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.A.Saravanan, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the official respondents. By consent on either side, this writ petition is taken up for final disposal.

2. This writ petition has been filed as Public Interest Litigation alleging that irregularities were committed in laying road between Thatchanallur to Thalaiyuthu at Tirunelveli District.

3. The petitioner had made an allegation that the officials namely, the fifth and sixth respondents have colluded with the contractor and substandard materials were not used and larger sums of money has been misappropriated.

4. We have gone through the representation given by the petitioner, dated 11.10.2019. We find that the representation is absolutely vague and there is no mention as to how the petitioner alleges that there is illegality. Therefore, on such vague representation, we cannot issue any direction. However, if it is found that there is irregularity committed, substantial materials have been used, then it goes without saying that the Executive Engineer should initiate action. Therefore, we dispose of this writ petition giving liberty to the petitioner to file a detailed representation setting out as to how he is of the view that there is irregularity committed. The representation should be submitted before the fourth respondent along with sufficient materials as well as copy of this order and copy of the same should be submitted to the third respondent. On receipt of such representation, the fourth respondent shall consider the same and pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St.George, Chennai.

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3.The District Collector,
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Tirunelveli.

4.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-92757[F] dated 18/10/2019)

+1 CC to M/s.SPL GP (SR-93098[F] dated 18/10/2019)

W.P (MD) No.21887 of 2019
17.10.2019

JMN(11.11.2019) 3P : 7C