



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.12879 of 2019

Vetrivel Transport,
Rep. By its Proprietor
Balaraman

.. Petitioner

..Vs..

1. The Chairman,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, chennai 600 002.

2. The Purchase Manager,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, chennai 600 002.

.. Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent made in Lr.No.CMWSSB/PUR/Water Lorry/9KL/W.O.No.381/2017-20/Spl/2017 dated 22.09.2017, quash the same and direct the 2nd respondent to pay the due amount of RS.2,50,000/- (Approx.) for the 456 trips of water supply made during the period from 09.06.2017 to 26.07.2017 to the petitioner.

For Petitioner : Mr.S.Udhayakumar

For Respondents : Mr.G.Janakiraman
Standing Counsel

O R D E R

This writ petition has been filed in the nature of Certiorari to call for the records of the 2nd respondent namely the Purchase Manager, Chennai Metropolitan Water Supply and Sewerage Board with respect to the order dated 22.09.2017, quash the same and further direct to pay the due amount of Rs.2,50,000/- for 456 trips made by the petitioner between 09.06.2017 to 26.07.2017.



2. According to the petitioner, he had a contract for supply of metro water to Puzhuthivakkam with the respondent. It is seen that there were alleged complaints received by the 2nd respondent. Hence, the 2nd respondent by an order 22.09.2017, had cancelled the work order and also forfeited the security deposit of Rs.15,000/- and also levied penalty of Rs.50,000/- and also cancelled the previous 152 trips performed by the vehicle during the period between 22.06.2017 to 26.07.2017 which amounts to Rs.55,340/-.

3. It is stated by the petitioner that the said order was passed without giving any opportunity to the petitioner for being heard. Claiming the above, the writ petition has been filed, since the order has been passed without following the principles of natural justice. This would stipulate that the petitioner herein should have been put on notice, should have been heard and proper opportunity must be given to him to place his case full. Thereafter, it has to be examined and verified as to whether it is substantiated with reasons.

4. However, in the instant case, notice had not been issued to the petitioner before the impugned order had been passed. Hence, the order passed by the 2nd respondent dated 22.09.2017 is set aside. The 2nd respondent is directed to issue notice to the petitioner for the hearing date 31.01.2020 and give fair opportunity to the petitioner to project his case, thereafter pass fresh final orders on or before 28.02.2020.

5. With the above terms, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vum
To

1. The Chairman,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, chennai 600 002.



2. The Purchase Manager,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, chennai 600 002.

WEB COPY

W.P.No.12879 of 2019

GJ

A.SK(08/01/2020)