



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.9740 of 2020

and

W.M.P. (MD)No.8746 of 2020

K.Senthilkumar

... Petitioner

Vs.

1.The Director General of Highways
Department of Tamil Nadu,
HRS Campus,
No.76, Sardar Patel Road,
Guindy, Chennai-25.

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

3.The District Collector,
Collectorate Campus,
Virudhunagar,
Virudhunagar District.

4.The Divisional Engineer(H),
Office of the Divisional Engineer(H),
Virudhunagar District.

5.The Assistant Divisional Engineer(H),
Office of the Assistant Divisional Engineer(H),
Srivilliputtur Sub-Division,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the fifth respondent to carry out the work of constructing the bridge on the road at from Alagapuri to Watrap main road, nearby Kottaiyur, Watrap Taluk, Virudhunagar District directly by cancelling the work order given to the contractor, on the basis of the petitioner's representation dated 01.08.2020 made to the fifth respondent.



For Petitioner : Mr.P.Krishnasamy
for Mr.M.Ganeshkamu
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

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ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner claims to be a coolie worker, having annual income of Rs.70,000/- and also a resident of Kottaiyur, Watrap Taluk, Virudhunagar District and according to him, a contract work has been given for constructing a bridge/culvert on Watrap main road and it is the main access to reach other places.

2. It is the specific case of the petitioner that the person, who has been entrusted with the said construction, in the form of holding of contract, has demolished the old structure and re-using / re-cycling the same and thereby impairing the quality of the said construction.

3. Mr.P.Krishnasamy, learned Counsel appearing for the petitioner would submit that admittedly, public money is being spent and as such, it is obligatory on the part of the official respondents to ensure the quality and time made completion of the construction and despite repeated oral representations followed by a written representation dated 01.08.2020, pointing out the poor quality of construction on the part of the contractor, who has been awarded the said construct, nothing is being done and hence prays for appropriate orders.

4. Mr.K.P.Krihnadoss, learned Special Government Pleader accepts notice on behalf of the respondents and on instructions, would submit that major portion of the construction has been over and before effecting final payment, there is standard operating procedures, as to the ensurement of the quality of work that has been done as well as the utilisation of the materials that had been gone into and therefore, prays for dismissal of the writ petition.

5. This Court has considered the rival submissions and perused the materials placed on record.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim as projected by the petitioner either in his representation or in this writ petition, directs the fourth respondent to cause inspection and verification of on-going work relating to the construction of culvert/bridge on Watrap main road, after putting the concerned contractor on notice and depending upon the result of the inspection, shall take appropriate action and also inform the decision taken in this regard to the writ



petitioner, within a period of ten weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director General of Highways
Department of Tamil Nadu,
HRS Campus,No.76, Sardar Patel Road,Guindy, Chennai-25.
- 2.The Chief Engineer(H),
Construction and Maintenance,
Integrated Chief Engineer's Office,
HRS Campus,No.76, Sardar Patel Road,Guindy, Chennai-25.
- 3.The District Collector,Collectorate Campus,
Virudhunagar, Virudhunagar District.
- 4.The Divisional Engineer(H),
Office of the Divisional Engineer(H),Virudhunagar District.
- 5.The Assistant Divisional Engineer(H),
Office of the Assistant Divisional Engineer(H),
Srivilliputtur Sub-Division, Virudhunagar District.

+1 CC to M/s.GP (SR-14740[F] dated 24/08/2020)

+1 CC to M/s.M.GANESH KAMU, Advocate (SR-14711[F] dated 21/08/2020)

W.P. (MD)No.9740 of 2020 and

W.M.P. (MD)No.8746 of 2020

21.08.2020

AP(03/09/2020) 3P 8C

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