



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.08.2020**

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10762 of 2019

and

W.M.P. (MD) .Nos.17693 & 8213 of 2019

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M/s.S.S.V.Developers,
No.354, Amirtha Garden,
Villupuram-605 602,
Villupuram District,
Represented by its Partner,
A.Vishnuvarman

... Petitioner

Vs.

1.The Managing Director,
TWAD Board, Chennai-600 005.

2.The Superintending Engineer,
TWAD Board,
Sivagangai-Ramanathapuram Circle,
Project Circle, Sivagangai.

3.The Executive Engineer,
TWAD Board, Project Division,
(Ramnad CWSS),
Ramanathapuram.

4.The District Collector,
Ramanathapuram District,
Ramanathapuram,

5.T.Babu

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent relating to order in Letter No.904/Third Party/D/Proj/RMD/2019, dated 09.04.2019, to quash the same and to issue consequential directions to the respondents to disburse Rs.8.50 Lakhs with interest to the petitioner towards the works executed as per work order and to issue revised work orders to the petitioner under revised schedule rates and under revised schedule of agreement for "2016-2017" package VI Under Ramnad CWSS-Construction of 1.85 L L capacity sump and allied works in Ramanathapuram District.

For Petitioner : Mr.L.Shaji Chellan

For R-1 to R-3 : Mr.K.Porkodi Karnan
for M/s.Polax Legal Solutions



O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the TWAD Board.

2. The petitioner was entrusted with the contract work of providing water supply to Valuthur Gas Turbine Power Station (VGTPS) in Ramanathapuram District from Ramnad CWSS (Package VI). Though the contract value is Rs.43,00,000/-, the petitioner is said to have bagged the contract for Rs.33,00,000/-

3. The petitioner's counsel states that the petitioner had commenced his work and had spent about Rs.8.50 Lakhs. But then, due to local agitation, the petitioner could not continue the work. The respondents, at this stage, issued the impugned communication stating that they proposed to conduct a spot inspection. It is this communication that is under challenge. The petitioner's apprehension appears to be that the Board intends to drop the entire work and shift the project itself. The petitioner also states that since he had invested and spent about Rs.8.50 Lakhs, he should be compensated for the same.

4. The petitioner's counsel drew my attention to the media publication in this regard. I am afraid that I am not in a position to go into all these disputed questions of fact. The petitioner had made a representation dated 15.04.2019. It is seen that the third respondent can take a decision in the matter. Therefore, the third respondent is directed to take a decision on the petitioner's representation within a period of two weeks from the date of receipt of a copy of this order. The petitioner will be heard in person by the third respondent before passing any final order on the petitioner's representation dated 15.04.2019. The petitioner can place all his grievances and it will be open to the third respondent to take an appropriate decision in the manner known to law. Till the third respondent decides the petitioner's representation, the position that prevails on the ground will not be altered.

5. In view of the above directions, the writ petition stands closed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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.

+1 CC to Mr.J. MUTHU KUMARAVEL, Advocate (SR-14624 [F] dated 21/08/2020)

+1 CC to M/s.P. SUBATHRADEVI, Advocate (SR-14604[F] dated 21/08/2020)

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 KM (27.08.2020) 3P 3C