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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.1460 OF 2019

M/s.G.S.&Co.,
Rep. by its Managing Partner
R.Sundaram

...Petitioner

Vs.

- 1.The Chief Engineer,
PWD / WRD,
Tiruchy Region,
Tiruchy - 621 020.
- 2.The Superintending Engineer
PWD / WRD
Upper Cauvery Basin Circle,
Salem - 636 007.
- 3.The Executive Engineer, PWD
Sarabanga Basin Division,
Namakkal.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents especially the 2nd respondent to consider the petitioner's representation dated 21.11.2018 to handover the worksite as per the petitioner's contract with the 2nd respondent in contract No.18/S.E/U.C.B.C/SLM/2015-2016 and the consequential letter in DB/DO.2/F.103/2015 dated 03.03.2016 from the 2nd respondent to the petitioner, within the time frame as may be stipulated by this Hon'ble Court.

For Petitioner	:	Mr.D.Shivakumaran
For Respondents	:	Mr.J.Ravindran Additional Advocate General Assisted by Mr.M.R.Gokul Krishnan Government Advocate



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents especially the second respondent to consider the petitioner's representation dated 21.11.2018 to handover the worksite as per the petitioner's contract with the second respondent in contract No.18/S.E/U.C.B.C/SLM/2015-2016 and the consequential letter in DB/DO.2/F.103/2015 dated 03.03.2016 from the second respondent to the petitioner, within the time frame as may be stipulated by this Court.

2.The case of the petitioner is that the second respondent floated tender for the purpose of excavation of a new canal from Belur Anicut in Salem District to divert the excess flood water of Anaimaduvu Reservoir from Belur Kissan supply channel to feed ponds and check dam in Kumarasamiyur, Thukkiyampalayam, Mannayankanpatti and Valapadi Villages in Valapadi Taluk, Salem District and the petitioner submitted the tender on 24.02.2016 and the same was accepted by the second respondent vide letter dated 02.03.2016 and agreement was entered into between the petitioner and the second respondent on 02.03.2016 for a tender value of Rs.2,94,08,430/-, however, the second respondent did not hand over the site to the petitioner. In this regard the petitioner made representation to the respondents and since there was no response, has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner has already furnished Bank Guarantee to the tune of Rs.6 Lakhs and would further submit that as per the tender conditions, if the amount exceeds Rs.50,000/- the petitioner has to work out the remedy before the competent Civil Forum, hence, this Court may permit the petitioner to work out the remedy before the competent Civil Forum for claiming damages and other amounts received by the second respondent.

4.The learned Additional Advocate General appearing for the respondents submitted would submit that as per the tender conditions, if the amount is below Rs.50,000/-, the petitioner has to seek remedy before Arbitrator, however, since the amount exceeds Rs.50,000/- the petitioner has to work out the remedy before the competent Civil Forum.

5.In view of the above and considering the limited request sought for by the learned counsel appearing for the petitioner, this Court without expressing any opinion on the merits of the case, grants liberty to the petitioner to work out the remedy in the manner known to law.



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6.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Chief Engineer,
PWD / WRD,
Tiruchy Region,
Tiruchy - 621 020.
- 2.The Superintending Engineer
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Upper Cauvery Basin Circle,
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+1cc to M/s.D.Shivakumaran, Advocate SR.No.60396

W.P.No.1460 of 2019

SMI (CO)
RVM(05/01/2022)