

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.8767 of 2021
(Heard through VC)

V.Mathaiyan,
Managing Partner,
M/s.Vellaiyan & Co.
Door No.1/77, Chinnandupatty,
Sikkanampatty Post,
Omalur Taluk,
Salem - 636 309. ... Petitioner

-vs-

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Highways Department, Secretariat,
Chennai - 600 009.
- 2.The Chief Engineer,
Highways Department, Chennai,
No.76, Sardar Patel Road, Guindy,
Chennai - 600 025.
- 3.The Superintending Engineer,
Highways Department,
Construction and Maintenance Circle,
Kuranguchavadi, Omalur Main Road,
Salem - 636 004. ... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the third respondent to consider and dispose of the petitioner's representation dated 04.02.2021 for participating in all the tenders.

For Petitioner : Mr.M.K.Hidayathullah

For Respondents : Mr.M.Loganathan
Additional Government Pleader

O R D E R

With the consent of the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition has been filed seeking a direction to the third respondent to consider and dispose of the petitioner's representation dated 04.02.2021 for participating in all the tenders.

3. The facts of the case is that the petitioner, along with his father late.Vellaiyan, was running the business for decades in Civil Engineering Contract for Construction of Roads, Buildings, Bridges and other works in Highways, Railways, P.W.D., DRDA, CPWD, TWAD, Telecom Ltd., Corporation, Municipality and other State and Central Governments. The petitioner intended to convert the same as a Partnership Firm. But his father succumbed to Covid on 05.10.2020. Thereafter, a Partnership Firm, namely, M/s.Vellaiyan and Company was formed by the petitioner and his son and they have been carrying on the business of the partnership till today with more than 150 employees. Their Firm has been registered on the rolls of the third respondent herein. Though the Partnership Firm of the petitioner is registered under the third respondent, the third respondent failed to consider the experience of the Firm and till date has not allocated any work to the petitioner. Hence, the petitioner made a representation dated 04.02.2021 to the third respondent seeking to consider the experience gained by him and his son in various road development and improvement works, which was not considered by the third respondent till now. Hence, the petitioner is before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the third respondent to consider the representation of the petitioner dated 04.02.2021, enquire into the same and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner and any other person interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

To

1.The Principal Secretary,
Highways Department,
Secretariat,
Chennai - 600 009.

2.The Chief Engineer,
Highways Department, Chennai,
No.76, Sardar Patel Road, Guindy,
Chennai - 600 025.

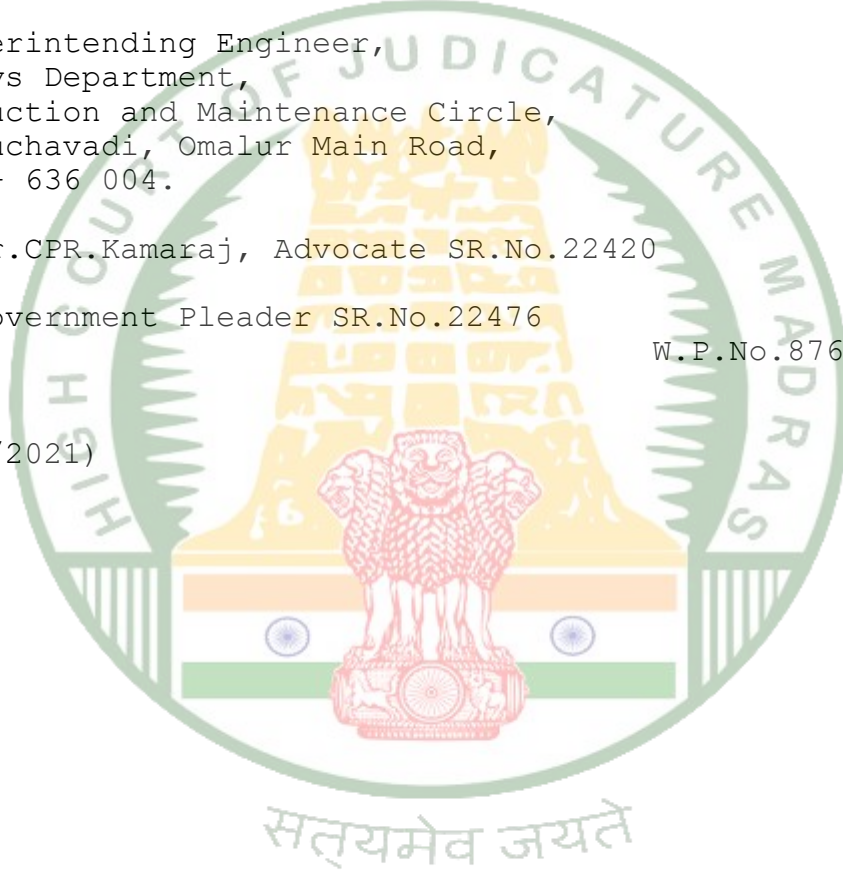
3.The Superintending Engineer,
Highways Department,
Construction and Maintenance Circle,
Kuranguchavadi, Omalur Main Road,
Salem - 636 004.

+1cc to Mr.CPR.Kamaraj, Advocate SR.No.22420

+1cc to Government Pleader SR.No.22476

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AJB (CO)
GMY (01/07/2021)



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