

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 08TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.108 of 2021

and

O.A.No.775 of 2021, A.Nos.4428 of 2021,
29 & 422 of 2022

C.S.(Comm.Div.) No.108 of 2021,
O.A.No.775 of 2021
and A.Nos.4428 of 2021:-

M/s. P.S.T. Engineering Construction

Represented by its Managing Partner

V.S.Thennarasu

2/352, Vavipalayam, Kolaram (Po)

Paramathi Velur Tk

Namakkal District 637 201.

...Plaintiff/Applicant

-Versus-

1. The Chairman,

Tamil Nadu Urban Habitat Development Board,

(Formerly Tamil Nadu Slum Clearance Board)

No.5, Kamarajar Salai,

Chennai 600 005.

2. The Managing Director,

Tamil Nadu Urban Habitat Development Board,

No.5, Kamarajar Salai,

Chennai 600 005.

3. The Superintending Engineer,

Chennai Circle II

Tamil Nadu Urban Habitat Development Board,

(Formerly Tamil Nadu Slum Clearance Board)

No.5, Kamarajar Salai,
Chennai 600 005.

4. The Executive Engineer, Division III

Tamil Nadu Urban Habitat Development Board,
Vyasarpadi,
Chennai 600 039.

... Defendants/Respondents

C.S.(Comm.Div.) No.108 of 2021:-

Civil Suit praying that this Hon'ble Court be pleased to
pass a judgment and decree against the defendants

a) To declare that the Show Cause Notice
RC.No.TNUHDB/815/D1/SE(CC-II)/2017 dated 08.10.2021 issued by the
third defendant to the plaintiff as ultravires, null & void and arbitrary, with
the consequential relief of a permanent injunction restraining the defendants
from in any manner initiating coercive steps to get the plaintiff blacklisted
by cancelling or suspending the Plaintiffs Contractor Registration with
respect to Lump Sum Agreement C.r. No.7/SE(CC-III) 2017 - 18 dated
06.12.2017 entered into between the Plaintiff and the 3rd Defendant, and

b) To grant a decree of mandatory injunction directing the
defendants to assist the Plaintiff Firm to unlock the tenements under lock &
key for the purpose of re-doing the balance works at Blocks A, B, C and D
of K.P Park, Phase-I, Pulianthope, Chennai, and

c) Cost of the suit.

O.A.No.775 of 2021:-

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining the respondents from in any manner initiating coercive steps to get the applicant Firm blacklisted by cancelling or suspending the applicant Contractor Registration pursuant to the letter dated 08.10.2021 in the above suit in C.S.No.108 of 2021.

A.No.4428 of 2021:-

Application praying that this Hon'ble Court be pleased to pass an order of interim direction directing the respondents/defendants to assist the applicant Firm to unlock the tenements under lock & key for the purpose of re-doing the balance works at Blocks A, B, C and D of K.P Park, Phase-I, Pulianthope, Chennai, pending disposal of the above suit in C.S.No.108 of 2021.

A.No. 29 & 422 of 2022:-

1. The Chairman,
Tamil Nadu Urban Habitat Development Board,
(Formerly Tamil Nadu Slum Clearance Board),
No.5, Kamarajar Salai,
Chennai 600 005.

2. The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,

Chennai 600 005.

3. The Superintending Engineer,
Chennai North II Circle,
Tamil Nadu Urban Habitat Development Board,
(Formerly Tamil Nadu Slum Clearance Board),
No.5, Kamarajar Salai, Chennai 600 005.

4. The Executive Engineer, Division III,
Tamil Nadu Urban Habitat Development Board,
Vyasarpadi, Chennai 600 039.

... Applicants

-Versus-

M/s. P.S.T. Engineering Construction,
Represented by its Managing Partner
V.S.Thennarasu
2/352, Vavipalayam, Kolaram (Po)
Paramathi Velur Taluk,
Namakkal District 637 201.

...Respondent

A.No.29 of 2022:-

Application praying that this Hon'ble Court be pleased to vacate
the interim injunction granted on 2.12.2021 in O.A. No.775 of 2021 in C.S.
No.108/2021.

A.No.422 of 2022:-

Application praying that this Hon'ble Court be pleased to reject
the plaint in C.S. No.108 of 2021.

This Original Application and these Applications coming on this

day before this court for hearing in the presence of Mr.S.Senthil, Advocate for the Applicant in O.A.No.775 of 2021 and A.Nos.4428 of 2021, and for the respondent in A.No.29 & 422 of 2022, and Mr.A.Edwin Prabakar, Advocate appearing for the applicants in A.No.29 & 422 of 2022 and for the respondents in O.A.No.775 of 2021 and A.Nos.4428 of 2021 and upon reading the Judge's Summons and the Affidavit of S. Edwin Sam made in A.No.422 of 2022 and the order dated 28.01.2022 made in O.A.No.775 of 2021 and A.No.4428 of 2021 and A.No.29 of 2022 in C.S.(Comm.Div) No.108 of 2021 and the plaintiff seeks time to file a counter to vacate injunction application filed by the defendant, **it is ordered as follows:-**

That the order of interim injunction granted in pursuance of the order dated 02.12.2021 made in O.A. No.775 of 2021 restraining the Respondents/Defendants therein from in any manner initiating coercive steps to get the applicant Firm blacklisted by cancelling or suspending the applicant Contractor Registration pursuant to the letter dated 08.10.2021 in the suit in C.S.No.108 of 2021 be and are hereby extended till 18.02.2022.

2) That the learned counsel for the plaintiff, be and is hereby directed to serve a copy of the counter in advance to the learned counsel for the defendants.

3) That the C.S.(Comm.Div.) No.108 of 2021 and O.A.No.775 of 2021, A.Nos.4428 of 2021, 29 & 422 of 2022 be posted on 18.02.2022.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 08TH DAY OF FEBRUARY 2022.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

ARS

10.02.2022

C.S.(Comm.Div.) No.108 of 2021
and
O.A.No.775 of 2021, A.Nos.4428 of
2021, 29 & 422 of 2022

ORDER

DATED : 08.02.2022

THE HON'BLE MR. JUSTICE
SENTHILKUMAR RAMAMOORTHY

FOR APPROVAL : 10.02.2022

APPROVED ON : 11.02.2022