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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.16841 of 2021

G.Poongavanam

..Petitioner

Vs.

1 Secretary to Government
Public Works Department
No.1, Rue Dumas
Puducherry 605 001.

2 Executive Engineer
Buildings and Roads (South) P.W.D.
Puducherry.

3 K.Gunasagarane

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing the 2nd respondent to ensure and issue appropriate direction to relay the road and sewerage canal with good material sanctioned vide Tender dated 20.02.2019 No.1383/PW/CE/EE(P)AE(P)1BRS- 05/2018-19 dated 21.08.2019 under Upgradation of the existing fishing harbour at Thengaithittu Puducherry under the Centrally Sponsored Scheme (CSS).

For Petitioner : Mr.S.Sathyaraj

For Respondents : Mrs.G.Djearany,
Government Pleader (Puducherry)
for respondents 1 and 2

ORDER

(made by the Hon'ble Chief Justice)

The petitioner's grievance is that the third respondent contractor is not using appropriate material in the course of laying a road and sewerage canal in Thengaithittu, Puducherry.



2. When contracts are awarded by the Public Works Department, there is a mechanism in place for ensuring that the material used are of appropriate quality and for testing the condition of the road before releasing payment.

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3. Since the petitioner expresses certain doubts regarding the quality of material and the workmanship in this case, the second respondent should pay closer attention to the work undertaken by the contractor and ensure that the quality of the material used and the road constructed conform to the contractual norms and the requirement at the place. The second respondent will prepare a status report and furnish the same to the Secretary in the Public Works Department within a fortnight from date.

4. Mrs.G.Djearany, Government Pleader (Puducherry) accepts notice for respondents 1 and 2. The third respondent will be forwarded a copy of the petition along with a copy of this order.

5. It is made clear that nothing in this order shall imply that the allegations levelled by the petitioner are deemed to have been accepted.

6. W.P.No.16841 of 2021 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To:

1 The Secretary to Government
Public Works Department
No.1, Rue Dumas
Puducherry 605 001.

2 The Executive Engineer
Buildings and Roads (South) P.W.D.
Puducherry.

W.P.No.16841 of 2021

SVI (CO)

K.RK. (06.09.2021)