

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.19209 of 2020
and W.M.P.No.23798 of 2020

DMR Construction,
Rep by its Managing Partner D.Madheswaran, ...Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Public Works Department,
Fort George, Chennai 600 009.
2. The Engineer-in-Chief,
Water Resources Department (WRD),
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai 600 005.
3. The Engineer-in-Chief,
Engineer (Buildings),
Public Works Department,
Chepauk, Chennai 600 005.
4. The Chief Engineer,
Public Works Department (Buildings),
Chengulam Colony, Circuit House, Trichy Region,
Tiruchy - 20.
5. The Superintending Engineer,
Public Works Department,
Building (Construction and Maintenance) Circle,
P.B.No.724, Kumarasamipatti Post,
Salem 636 007.
6. The Superintending Engineer,
Public Works Department,
Buildings (Construction and Maintenance),
Vellore Circle, Vellore.
7. The Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance) Circle,
Namakkal District 637 001.

8. M/s.Maruthi Constructions,
Rep by its Managing Partner R.M.Sivakumar,
6/243A, Lakshmi Nagar,
Green Park School Road,
Namakkal District 637 001

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the fifth respondent to consider the petitioner's representation dated 30.10.2020 and to pass appropriate orders in accordance with law within a limited time frame.

For petitioner ...Mr.I.Abrar Md.Abdullah

For respondents-1 to 7 ...Mr.V.Shanmugasundar,
Spl.Govt.Pleader

For Respondent-8 ..Mr.K.T.S.Sivakumar

ORDER

Heard Mr.I.Abrar Md.Abdullah, learned counsel for the petitioner, Mr.V.Shanmugasundar, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 7 and Mr.K.T.S.Sivakumar, learned counsel for the respondent-8.

2. By consent of all the parties, this Writ Petition is taken up for final disposal.

3. This Writ Petition has been filed for a mandamus seeking for a direction to the fifth respondent to consider the petitioner's representation dated 30.10.2020 and pass final orders within a time frame to be fixed by this Court.

4. The petitioner has given a representation dated 30.10.2020 to the fifth respondent stating that despite the 8th respondent's ineligibility, the 8th respondent has been awarded a contract pursuant to the tender notice dated 30.10.2019. Aggrieved by the said contract, the petitioner has given the aforementioned representation to the fifth respondent calling upon him to take action against the eighth respondent. Since the said representation has not been considered, the petitioner has approached this Court under Article 226 of the Constitution of India.

5. The learned counsel for the petitioner submits that subsequent to the representation dated 30.10.2020 given by the petitioner, the fifth respondent has called the petitioner for an enquiry.

6. Mr.V.Shanmugasundar, learned Special Government Pleader appearing on behalf of the respondents 1 to 7 also submits on instructions that the fifth respondent is ready to consider the petitioner's representation dated 30.10.2020 and pass final orders on merits and in accordance with law.

7. After recording the submission made by the respective learned counsels, this Court directs the fifth respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 30.10.2020 seeking for initiation of legal action against the eighth respondent for allegedly getting a contract awarded in its favour, despite its ineligibility under the tender conditions, within a period of 12 weeks from the date of receipt of a copy of this order, after hearing all the necessary parties including the petitioner as well as the eighth respondent.

8. With the aforesaid direction, this writ petition stands disposed of. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

srn
To

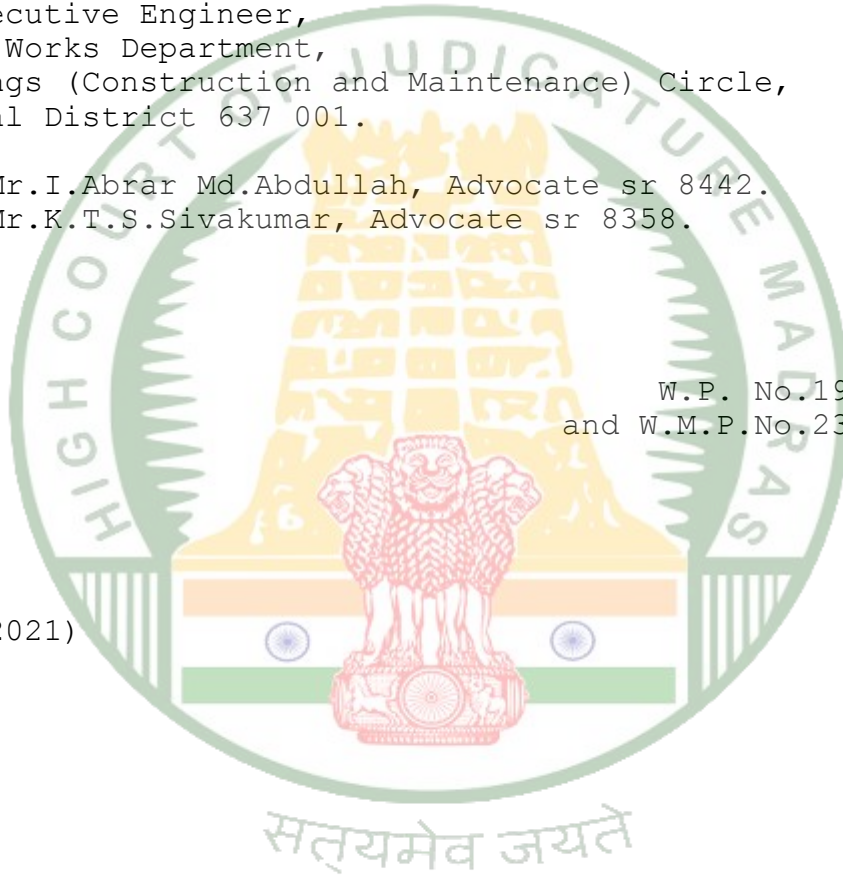
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+1 CC to Mr.I.Abrar Md.Abdullah, Advocate sr 8442.
+1 CC to Mr.K.T.S.Sivakumar, Advocate sr 8358.

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RSV(CO)
SP(31/03/2021)



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