

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.04.2021

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.17460 of 2017
and W.M.P.No.18960 of 2017

Manimaran

...Petitioner

Versus

The Block Development Officer,
Block Panchayat,
Panchayat Union,
Veppur,
Perambalur District.

...Respondent

This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the proceedings in Na.Ka.No.A2/2714/2015, dated 04.05.2017 on the file of the respondent and to quash the same as illegal, and without jurisdiction.

For Petitioner : Mr.V.Raghavachari
For Respondent : Mr.K.Sundaramurthy

ORDER

The relief sought for in the present writ petition is to call for the records of the proceedings in Na.Ka.No.A2/2714/2015, dated 04.05.2017 on the file of the respondent and to quash the same as illegal, and without jurisdiction.

2. The case of the petitioner is that he is a contractor by profession. The respondent issued a work order dated 19.11.2015 to the petitioner directing him to execute a work consisting of installation of high mast lighting in six places in and around Veppur viz., Pennakonnam, Aduthurai, Keelakulikadu, Peralli, Maruvathur and Panangur. Pursuant to the said work order, the petitioner commenced the work and completed the erection of high mast lighting units at two villages viz., Panangur and Peralli. Though he completed the said work on 31.10.2016, the bills of the said work were cleared only in May 2017.

2.1. Thereafter, the petitioner was preparing to commence the work for remaining four villages viz., Pennakonnam, Aduthurai, Keelakulikadu, Maruvathur. He erected the poles in all the four villages. The erection of the poles is a condition precedent for the installation and electrification of the high mast lighting equipment. While so, without issuing any show cause notice to the petitioner, the respondent vide proceedings in Na.Ka.A2/2714/2015 dated 04.05.2017 terminating the above said work order. Aggrieved by the aforesaid cancellation order issued by the respondent, left with no other alternative, the petitioner has filed the present writ petition for the relief stated supra.

3. The learned counsel for the petitioner would submit that based on the work order dated 19.11.2015, the petitioner had completed the erection of high mast lighting units at two villages viz., Panangur and Peralli and also prepared to commence the work at remaining four villages viz., Pennakonnam, Aduthurai, Keelakulikadu, Maravathur. He would further submit that the respondent had suddenly issued the cancellation order dated 04.05.2017 without even giving any prior notice to the petitioner. Being a contractor, the petitioner had invested significant sums of money for executing the said work order. The petitioner was economically suffered a lot due to this unexpected cancellation order issued by the respondent. He therefore prays this Court to quash the cancellation order issued by the respondent.

4. The learned counsel appearing for the respondent would contend that in the counter affidavit filed by the respondent, it is clearly stated that the petitioner ought to have completed the said work within three months from the date of issuance of the work order i.e before 13.02.2016, however, the petitioner did not do so. He would also contend that several times the petitioner was reminded to complete the said work and based on his request, time limit was also extended by the respondent, however, the petitioner did not complete the said work within the time given.

5. From the submissions made by the learned counsel on both sides, it is seen that though the petitioner was given considerable time to complete the work given by the respondent, he did not complete the said work within the time limit given. It is also seen that without even giving any prior notice to the petitioner, the cancellation order was issued to him by the respondent.

6. Considering the facts and circumstances of the case, this Court directs the respondent to afford an opportunity of personal hearing to the petitioner and thereafter, pass

appropriate orders on merits and in accordance with law, as expeditiously as possible, within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition is allowed with the above direction and the proceedings issued by the respondent in Na.Ka.No.A2/2714/2015, dated 04.05.2017 is quashed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mrr

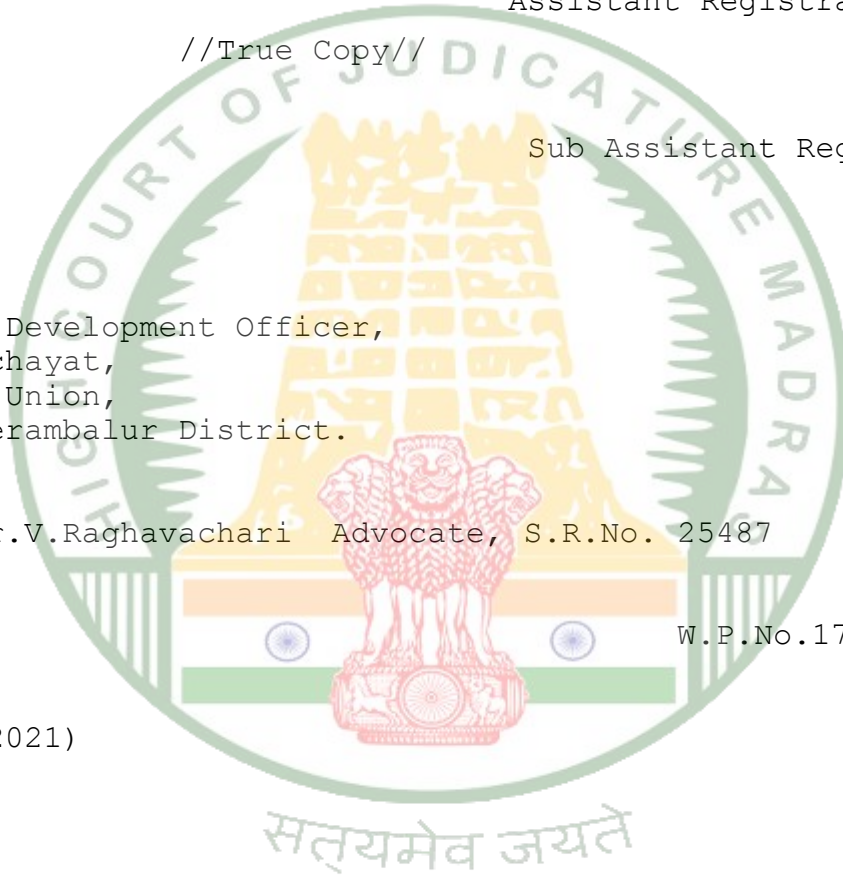
To

The Block Development Officer,
Block Panchayat,
Panchayat Union,
Veppur, Perambalur District.

+1cc to Mr.V.Raghavachari Advocate, S.R.No. 25487

W.P.No.17460 of 2017

BP(CO)
GN(28/06/2021)



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