



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11251 of 2021

R.Nixon Alvin ... Petitioner

Vs.

1. The District Collector,
Kanyakumari District, at Nagercoil.
2. The Executive Engineer, PWD,
Building Construction and Maintenance Division,
Nagercoil, Kanyakumari District.
3. The Superintending Engineer, PWD,
Building Construction and Maintenance Circle,
Tirunelveli-2.
4. M.Sudhakar,
Retired Assistant Executive Engineer, PWD,
Building Construction and Maintenance Subdivision,
Kuzhithurai, Kanyakumari District
and now residing at
Weaver's Colony, South Perumal Nagar,
Nagercoil-629 003, Kanyakumari District.
5. P.Wali,
Assistant Engineer, PWD,
Building Construction and Maintenance Section,
Kuzhithurai,
transferred and now working as
Assistant Engineer, PWD,
Building Maintenance Section,
Medical Works, Asaripallam-629 201.
6. Assistant Engineer, PWD,
Building Construction and Maintenance Section,
Kuzhithurai, Kanyakumari District. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the second respondent to consider the petitioner's representation, dated 23.10.2020 which was preceded by petitioner's representation dated 20.06.2019, 27.11.2019 and 01.09.2020 to the second respondent.



For Petitioner
For R-1 to R-3
& R-6

: Mr.M.Karal Marx

: Mr.M.Lingadurai,
Government Advocate

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ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to consider the representation made by the petitioner on 23.10.2020, wherein, the petitioner has requested for the re-inspection of the construction put by the petitioner and for compensating the petitioner for the loss suffered by him.

2. The case of the petitioner is that he was allotted with the work for construction of a school building under RMSA Scheme in the year 2018. The further case of the petitioner is that he had completed the entire work under the supervision of the fourth and fifth respondents.

3. The petitioner came to know that the fourth and fifth respondents had made defective recordings with regard to the construction put up by the petitioner and as a result of the same, the petitioner had suffered a huge loss. The petitioner made a representation in this regard to the second respondent on 20.06.2019 requesting for the inspection of the construction and for taking action and for compensating the petitioner for the huge loss sustained by him. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.M.Karal Marx, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government counsel appearing on behalf of the respondents 1 to 3 and 6.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 23.10.2020 and deal with the same on its own merits and in accordance with law and take a decision within a period of six weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.



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7. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Collector,
Kanyakumari District, at Nagercoil.
2. The Executive Engineer, PWD,
Building Construction and Maintenance Division,
Nagercoil, Kanyakumari District.
3. The Superintending Engineer, PWD,
Building Construction and Maintenance Circle,
Tirunelveli-2.
4. The Assistant Engineer, PWD,
Building Construction and Maintenance Section,
Kuzhithurai, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-21721[F] dated 08/07/2021)

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RC (14.07.2021) 3P-6C