



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.21317 of 2021

T.Nagarethinam

... Petitioner

vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Assistant Director (Panchayat),
Nagercoil, Kanyakumari.

3.The Block Development Officer/
The Commissioner,
Kurunthencode Panchayat Union,
Kurunthencode,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.A2/1380/2019 dated 09.11.2021 passed by the third respondent, quash the same and consequently direct the third respondent to register the petitioner's name in the list of Government Contractors.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.J.John Rajadurai

Government Advocate (for R1 and R2)

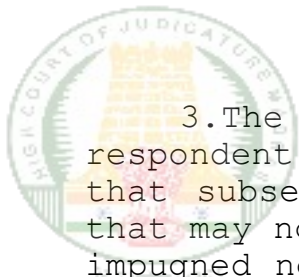
Mr.N.Lingadurai

Special Government Pleader (for R3)

O R D E R

Mr.J.John Rajadurai, learned Government Advocate, takes notice on behalf of respondents 1 and 2; and Mr.N.Lingadurai, learned Special Government Pleader, takes notice on behalf of the third respondent.

2.The Writ Petition has been filed in the nature of Writ of Certiorarified Mandamus, seeking interference with the proceedings in Na.Ka.No.A2/1380/2019, dated 09.11.2021 passed by the third respondent/Block Development Officer, The Commissioner, Kurunthencode Panchayat Union, Kurunthencode, Kanyakumari District. The petitioner was a contractor under the third respondent. The petitioner has been engaged for putting up roads and doing such contract works. The petitioner claims that he has a good reputation. However, the impugned proceeding was issued to the petitioner informing that the petitioner has been removed from the list of registered contractors. Claiming that prior notice was not issued, the present writ petition has been filed.



3.The learned Special Government Pleader for the third respondent stated that the notice issued was only an information and that subsequently, a show cause notice has been issued. However, that may not come to the rescue of the third respondent, because the impugned notice itself, contains a decision taken. Prior to such a decision being taken, notice should have been issued.

4.I would therefore, set aside the said impugned order, but however, consider the same as show cause notice issued to the petitioner herein. The petitioner is granted four weeks time to issue reply to the said notice and thereafter, let the third respondent take a decision in manner known to law.

5.With the above observations, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Assistant Director (Panchayat),
Nagercoil, Kanyakumari.
- 3.The Block Development Officer/
The Commissioner,
Kurunthencode Panchayat Union,
Kurunthencode,Kanyakumari District.

+1 CC to M/s.T.SELVAKUMARAN, Advocate
(SR-37261[F] dated 03/12/2021)

+1 CC to M/s.SPL GP (SR-37199[F] dated 03/12/2021)

W.P. (MD) No.21317 of 2021
02.12.2021

MGJ(15.12.2021) 2P 6C

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