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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.2694 of 2022

& WMP No.2863 of 2022

M/s.Thukkaram Builders & Contractors Pvt. Ltd.,
rep. By its Director C.L.Thukkaram
No.34, Kumaran Nagar
80 feet Road, Peravallur,
Chennai - 600 082.

...Petitioner

Vs

1. The Vice Chancellor,
Tamil Nadu Veterinary & Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051.
2. The Registrar,
Tamil Nadu Veterinary & Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051.
3. The Estate Officer (Incharge),
Tamil Nadu Veterinary & Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the record of the impugned letter issued under Lr.No.332/E.O/DB/Works/MMC/2021, dated 27.01.2022 by the 3rd respondent and quash the same.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.S.Vijayakumar

Standing Counsel

O R D E R

Mr.S.Vijayakumar, learned Standing Counsel accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent expressed by both learned counsel, this Writ Petition is disposed finally even at the stage of admission.



2. The petitioner company functions as a registered contractor in the Tamil Nadu Public Works Department under registration No.01PBC/2014 dated 02.01.2014. The petitioner was entrusted with certain repair works to the Dairy Science Building ground floor at the Madras Veterinary College, Chennai - 07 and 'Special Repair and renovation works of "B" mess at Madras Veterinary College, Chennai - 07' (work in question). Though various allegations have been made in the Writ Petition itself in regard to the process followed by the authorities in the award of tender, I see no reason to advert to these allegations in view of the order I have passed in the paragraphs to follow.

3. Admittedly, the petitioner was called upon to commence the works in question by Letter No.4324/E.O/D.B/VIF/MMC/2021, dated 19.01.2022. The contract progressed in fits and starts, both parties making allegations against each other in regard to the conduct of the proceedings as well as the quality of workmanship.

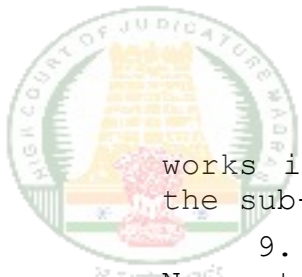
4. In the aforesaid circumstances, the petitioner was in receipt of impugned letter No.332/E.O/DB/Works/MMC/2021, dated 27.01.2022 calling upon it to show cause why it not be blacklisted for poor workmanship in execution of the aforesaid civil works. On 31.01.2022, a communication was subsequently received stating that a team of Engineers had inspected the on-going work executed by the petitioner and submitted a report stating that the execution of the works was not in accordance with the terms and conditions of the tender.

5. They also allege that subsequent works assigned to the petitioner are yet to be commenced. The petitioner was called upon to suspend further execution of the work forthwith and leave the site immediately to enable the University to entrust the works to some other contractor at the costs and consequences of the petitioner.

6. Upon hearing both learned counsel, I am of the view that the Writ Petition is pre-mature insofar as what is challenged is only a show cause notice. The petitioner is permitted to respond to the same within a period of two (2) weeks from today. The report of the team of Engineers referred to in communication dated 31.01.2022 will be supplied to the petitioner forthwith to enable him to respond to the show cause notice effectively.

7. Upon receipt of the reply, the petitioner will be heard and a view taken in regard to the proposed blacklisting. This exercise shall be completed within a period of four (4) weeks from today.

8. In the interim, while the petitioner may not be suspended from the panel, pending the completion of the impugned proceedings, it shall desist from continuing with the contracted



works in the face of the serious allegations made in regard to the sub-standard quality in work.

9. This Writ Petition is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petition is closed.

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Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Vice Chancellor,
Tamil Nadu Veterinary & Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051.
2. The Registrar,
Tamil Nadu Veterinary & Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051.
3. The Estate Officer (Incharge),
Tamil Nadu Veterinary & Animal Sciences University,
Madhavaram Milk Colony,
Chennai - 600 051.

+1cc to Mr.G.Thangavel, Advocate, S.R.No.10046

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.10227

W.P. No.2694 of 2022
& WMP No.2863 of 2022

CP(CO)
KM(21/02/2022)