



WEB COPY



W.P. Nos.33212 of 2013, 6082 of 2015
and 17741 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 14.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE **N. SATHISH KUMAR**

**W.P. Nos.33212 of 2013, 6082 of 2015, 17741 of 2014 and
M.P. Nos.1 & 2 of 2013, 1 to 3 of 2015, 1 & 2 of 2014 and W.M.P.
No.8444 of 2017**

G.Balasubramanian

. . . Petitioner in
W.P. No.33212 of 2013
& W.P. No.17741 of 2014

S.T.Ravichandiran

. . . Petitioner in
W.P. No.6082 of 2015

Vs

1.The Commissioner
Thiruthuraipoondi Municipality
Thiruthuraipoondi
Thiruvarur District

. . . Sole Respondent in
W.P. No.33212/2013 and
1st Respondent in
W.P. Nos.6082/2015 &
17741 of 2014

2.S.Mariammal

. . . 2nd Respondent in
W.P. Nos.6082/2015 &
17741 of 2014

PRAYER in W.P. No.33212 of 2013: Writ petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus, calling for the records of the respondent in Na.Ka. No.5483/2012/E1 dated 21.11.2013, quash the same and consequently forbear the respondent from putting up compound wall on the northern side of the public road in Survey No.133/1B2 in Thiruthuraipoondi Town, Thiruvarur District.



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PRAYER in W.P. No.6082 of 2015: Writ petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus, calling for the records connected with the impugned work order issued by the 1st respondent in Na.Ka. No.5483/E1/2013 dated 20.06.2014 based on 1st respondent's tender notification issued in Na.Ka. No.5483/2012/E1 dated 20.05.2014 and quash the same and consequently forbear the respondents from constructing a compound wall on the northern side of the public road in survey No.133/1B2 in Thiruthuraipoondi Town, Thiruvarur District.

PRAYER in W.P. No.17741 of 2014: Writ petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus, calling for the records of the respondent in Na.Ka. No.5483/2012/E1 dated 20.05.2014 and quash the same and consequently forbear the respondents from constructing a compound wall on the northern side of the public road in survey No.133/1B2 in Thiruthuraipoondi Town, Thiruvarur District.

For Petitioner : Mr.R.Bharanidharan
in W.P. Nos.33212/
2013 & 17741/2014

For Petitioner : Mr.S.Conscious Ilango
in W.P. No.6082/2015
201 & 17741/2014

For Respondents : Mr.V.Jayaprakash Narayanan
in all WPs for R1

Mr.V.Kasinatha Bharathi
for R2 in all WPs

COMMON ORDER

These writ petitions have been filed mainly on the ground that the compound wall proposed to be constructed on the basis of the tender will obstruct the ingress and egress of the writ petitioners'



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shop. Therefore, these writ petitions have been filed challenging the very notification.

2. Now, the first respondent, namely the Commissioner, Thiruthuraipoondi Municipality, has filed a report dated 27.09.2022 that the tender has been recalled and the work has been withdrawn. The report is taken on file and the same shall form part of the order. In such view of the matter, when the tender and the other connected work itself have been withdrawn by the first respondent, no positive order in these writ petitions is required.

3. The learned counsel appearing for the second respondent in W.P. Nos.6082 of 2015 and 17741 of 2014 would submit that pursuant to the contract, the second respondent has already spent substantial amount by putting up pillars. Since the work has been withdrawn, she has to suffer a lot. However, the learned counsel submit that the first respondent may be directed to consider the grievance of the second respondent to pay the amount spent towards the construction. According to the learned counsel, the second respondent has already filed a writ petition in W.P. No.20833 of 2017, wherein this court has already directed the Commissioner, Thiruthuraipoondi Municipality, to consider her representation dated 23.02.2017, within a period of 30



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days from the date of receipt of the order. Despite the same, the representation has not been considered. Since some work has been commenced and some investment has been made, the first respondent has to reimburse the amount, according to the nature of work, after assessing the value of the work. If in the event, the amount is not paid, it is well open to the second respondent to recover the amount, in accordance with law.

4. With the above direction, the writ petition is disposed of. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

14.10.2022

Index : Yes / No
Speaking/non speaking order
Asr

To

1.The Commissioner
Thiruthuraipoondi Municipality
Thiruthuraipoondi
Thiruvarur District

2.The Government Pleader,
High Court, Madras.



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N. SATHISH KUMAR, J.

Asr

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