



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12196 of 2022 and

W.M.P. (MD)No.8675 of 2022

S.Subbiah

... Petitioner

Vs.

1. The Superintending Engineer(Highway),
NABARD and Rural Road,
Tirunelveli.

2. The Divisional Engineer(Highway),
NABARD and Rural Road,
Tirunelveli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent vide letter No.T.R.P. No.43/2020-21/Va3/ dated 12.05.2022 and Sea.Moo.Ka.No.T.R.P.43/2020-21/Va3/dated 01.06.2022 and quash the same and consequently direct the respondents to give eight more months time for the petitioner to complete balance work in Kaithavilagam - Melamidalameayam Road, Mullanginavilai - Edaiyankottai Road, Viricode-Kollenchy Road, Thittanganavilai - Kulapuram Road.

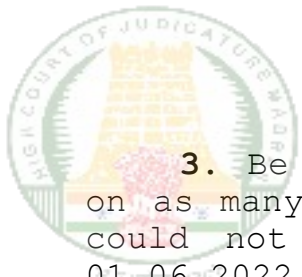
For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.M.Prakash,
Additional Government Pleader.

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner is a registered contractor. The Superintendent Engineer / the first respondent awarded work order to the petitioner on 26.11.2020 to carry out the contract works which are six in number. The petitioner ought to have completed the works within six months. Due to various reasons such as prevalence of pandemic and rains, the petitioner could not carry out all the works. While the petitioner would claim that he successfully completed the works, the officer concerned would claim that the petitioner could complete only one work fully.



3. Be that as it may, the authority granted extension of time on as many as five occasions. Now it is stated that all the works could not be completed. As a result, the impugned order dated 01.06.2022 was issued terminating the contract. It is not as if the impugned order was suddenly passed. A mere look at the reference column would show that there was regular correspondence emanating from the office of the first respondent. Ms.Gnana Geetha, Assistant Engineer is present before this Court. She stated that because of the non-completion of works, public put to great hardship. No case has been made out for interference.

4. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

PMU

To:

1. The Superintending Engineer(Highway),
NABARD and Rural Road,
Tirunelveli.
2. The Divisional Engineer(Highway),
NABARD and Rural Road,
Tirunelveli.

+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-26656[F] dated 20/06/2022)

+1 CC to M/s.SPL.GP (SR-27141[F] dated 21/06/2022)

W.P.(MD)No.12196 of 2022
17.06.2022

MGJ(07.07.2022) 2P 5C