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CONT.P.(MD)NO.990 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.990 of 2022 IN
W.P(MD)No.24194 of 2019

S. Pandian

... Contempt petitioner /
Petitioner

Vs.

1. N.Anbuselvam,
Executive Engineer,
WRO/ PWD,
Periyar – Vaigai Basin Division,
Madurai – 2.

2. S.Leelavathi,
Executive Engineer,
WRO / PWD,
Gundar Basin Division,
Madurai – 2.

... Contemnors / Respondents 2&3

Prayer: Contempt petition filed under Section 11 of the Contempt of Court Act 1971, to punish the contemnors / respondents for their deliberate and willful disobeying the order of this Court made in W.P.(MD)No.24194 of 2019 dated 25.11.2019.



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For Petitioner : Mr.K.Muraleedharan

For Respondents : Mr.Veerakathiravan,
Additional Advocate General,
assisted by,
Mr.M.Prakash,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General appearing for the respondents.

2. The petitioner complains that the direction given by this Court on 25.11.2019 in W.P.(MD)No.24194 of 2019 has not been complied with. This Court had directed that the Executive Engineer, WRO / PWD, Periyar-Vaigai Basin Division, Madurai and Gundar Basin Division, Madurai should issue tender notices to the writ petitioner through registered post. The petitioner alleges that he has not received any such tender notices from the respondents through registered post.



3. When the matter was taken up for hearing, the learned Additional Advocate General produced the official despatch register to show that the tender notices were issued to all the registered contractors including the petitioner herein through ordinary post. This clearly shows the non-compliance of the direction given by this Court. When this Court directed that the tender notices should be sent through registered post, the respondents are obliged to do so.

4. It appears that the second respondent has since retired. The first respondent took charge only in December 2021. From December 2021 to July 2022, only one tender process was floated. The second tender process is to be opened on 12.08.2022. In respect of the proposed tender process, the petitioner has been notified through registered post. The first respondent informs the Court that he took charge in December 2021 and that the subordinate officials have not brought the direction of this Court to his notice. Only on account of the sheer lack of information, the first respondent could not comply with the order. I accept the said explanation. This contempt petition is closed.



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5. However, the learned Additional Advocate General informs this Court that standing instructions will be given to the officers and the respondents that in future all the tenderers will be duly intimated about the holding of any tender process. Though this Court had directed that the petitioner must be notified through registered post, it is proposed to file a clarification petition so that the intimations can be sent through e-mail. Liberty is given to the respondents to file modification petition in the said writ petition.

01.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

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.



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To:

1. The Executive Engineer,
WRO/ PWD,
Periyar – Vaigai Basin Division,
Madurai – 2.
2. The Executive Engineer,
WRO / PWD,
Gundar Basin Division,
Madurai – 2.



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G.R.SWAMINATHAN,J.

PMU

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W.P(MD)No.24194 of 2019

01.08.2022