



W.P(MD)No.19443 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19443 of 2022

and

W.M.P.(MD)Nos.14185 & 14188 of 2022

M/s.MPS & Co,
Rep. through its Partner
M.Palanikumar,
No.3/325, Karthika Nagar,
Thanakankulam,
Madurai-625 006.

... Petitioner

Vs.

1.The District Collector,
Collectorate Complex,
Madurai District,
Madurai.

2.The Executive Engineer,
Rural Development,
District Rural Development Agency,
Madurai District,
Madurai-625 020.

3.The Block Development Officer / Development Officer,
Thiruparankundram Panchayat Union,
Thirunagar,
Madurai-625 006.

4.The President,
Paniayur Village,
Thiruparankundram Union,
Madurai District.

... Respondents



W.P(MD)No.19443 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.1379/2020/D7, dated 18.07.2022 and quash the same as illegal, arbitrary and violative of the constitutional rights of the petitioner envisaged under Article 14 and 19 of the Constitution of India and consequently, directing the first respondent to remove the name of the petitioner from the blacklist of contractors and allow the petitioner to participate in all other tenders in future.

For Petitioner : Mr.R.Aravindan

For R1 & R2 : Mr.M.Sarangan
Additional Government Pleader+

For R3 & R4 : Mr.P.Thambidurai
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2 and the learned Government Advocate appearing for the respondents 3 & 4.

2. By the impugned order, the petitioner has been visited with the following consequences:-

- (A) He has been blacklisted.
- (B) The contract award to him had been cancelled.
- (C) Security deposit had been forfeited.



W.P(MD)No.19443 of 2022

3. The aforesaid consequences are civil in nature. It has been held in more than one case that before such action is taken, it should be preceded by show cause notice. In this case, such show cause notice has not been issued. On this sole ground, the order impugned in the writ petition is quashed. The matter is remitted to the file of the first respondent to proceed afresh in accordance with law.

4. This Court is conscious that the contract works under the Jal Jeevan Mission have to be speedily performed. It is quite possible that the first respondent had every justification to pass the impugned order. I have not gone into the merits of the matter. I have been constrained to interfere only on the ground that principles of natural justice have not been borne in mind.

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

24.08.2022

Index : Yes / No

Internet : Yes/ No

rmi

NOTE:Issue Order Copy on 24.08.2022



WEB COPY



W.P(MD)No.19443 of 2022

G.R.SWAMINATHAN, J.

rmi

To

- 1.The District Collector,
Collectorate Complex,
Madurai District,
Madurai.
- 2.The Executive Engineer,
Rural Development,
District Rural Development Agency,
Madurai District,
Madurai-625 020.

W.P(MD)No.19443 of 2022

24.08.2022