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W.P.Nos.12728 & 12731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.12728 & 12731 of 2023

M/s.Sri Raja Engineering Contractors,
Rep. by its Partner,
K.B.Sarvesvara Raja,
64, Gandhiji Main Road,
NRT Nagar, Theni - 625 531.

...Petitioner in both W.Ps.

Vs.

1. The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai.
2. The Managing Director,
Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai - 600 005.
3. The Superintending Engineer,
Chennai Circle -I,
Urban Habitat Development Board,
No.130, R.K.Mutt Road, Mylapore,
Chennai - 600 004.

...Respondents in both W.Ps.

Prayer in W.P.No.12728 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to forclose the contract with immediate effect and consequently return the Performance Bank Guarantee and also pay an interest of 18% from the date



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of agreement till the date of disbursement and return the withheld amount of Rs.18,58,063/- for the works done till date.

Prayer in W.P.No.12731 of 2023: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to forclose the contract with immediate effect and consequently return the Performance Bank Guarantee and also pay an interest of 18% from the date of agreement till the date of disbursement and return the withheld amount of Rs.18,94,617/- for the works done till date.

In both W.Ps.:

For Petitioner : Mr.M.Sureshkumar
for Mr.S.Harshavardhan

For Respondents : Mr.E.Veda Bagath Singh, Spl.GP, for R1
: Mr.G.Venkatesan, for R2 & R3

ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the 1st respondent and Mr.G.Venkatesan, learned counsel takes notice for the respondents 2 & 3. In view of the consent expressed by the Learned counsel on either side, these petitions are taken up for final disposal.



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3. The case of the petitioner that he is a contractor, who took part in the tender floated by the respondents on dual occasion and came out successful. Though the tenders were confirmed in his name, the respondents neither allotted the respective sites to the petitioner to comply with the tender nor refunded the earnest money deposit to the petitioner citing closure of tender, inspite of the fact that, the petitioner had made ready manpower and other requirements for completing the tender. Further, inspite of repeated reminders and representation, no steps having been taken by the respondents with respect of the said tenders, the present Writ petitions have been filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's respective representations and pass orders on the same as expeditiously as possible.

5. Learned counsel appearing for the respective respondents have no serious objection for the said order being passed.



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6. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, directs the respondents to consider all the representations of the petitioner comprehensively on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. With the above observations and directions, these Writ petitions stand disposed of. No costs.

25.04.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai.

2. The Managing Director,

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M.DHANDAPANI., J.

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