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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.17526 of 2023
and Cont.Pet.No.1303 of 2023

M/s.DSR Sons India Engineers Private Limited,
No.49, 1st Floor, HIG, NH-1, Vallal MGR Street,
Maraimalai Nagar,
Chengalpattu District,
Rep. by its,
Managing Director,
D.S.Ravee Kumar

Petitioner

vs.

The Commissioner
Maraimalainagar Municipality,
Maraimalainagar,
Chengalpattu – 603 209.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order in Na.Ka.No.1104/2023/E1 on the file of the respondent dated 29.05.2023 quash the same and direct the respondent to award contract viz., Tender Reference Nos:Na.Ka.No.661/2022/E1, dated 03.04.2023 Work No.1 & 2:

1.Laying Tar Road MGR Street of Ward No.1

2.Laying Tar Road VGP Mount Marry Town Road at Ward No.3



Na.Ka.No.661/2022/E1 dated 03.04.2023 Work Nos.4, 5 * 7

4.Laying Tar Road Chitherikarai Road at Ward No.8 (Unicode-020008R241)

5.Laying Tar Road Yerikarai Street, Hallmark Road at Ward No.10 (Unicode-0200010R647)

8.Laying Tar Road Mattanaodai Main Road at Ward No.16 (Unicode-020016R764)

Cont.P.No.1303 of 2023

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Maraimalai Nagar,
Chengalpattu District,
Rep. by its,
Managing Director,
D.S.Ravee Kumar

..Petitioner

vs.

Mr.T.Soundararajan
Maraimalainagar Municipality,
Maraimalainagar,
Chengalpattu – 603 209.

.. Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for the wilful disobedience of the orders of this Court passed in W.P.No.12480 of 2023 dated 25.04.2023 under the provisions of Contempt of Court Act.

For Petitioner : Mr.V.Elangovan
in both petitions

For Respondents : Mr.P.Srinivas
in both petitions Standing Counsel

**ORDER**

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When the matter came up for hearing on 13.06.2023, this Court passed the following order:

Mr.P.Srinivas, learned Standing counsel takes notice on behalf of respondent. There was already an order passed by this Court in WP No.12480 of 2023, directing the respondent to complete the process of evaluation at the earliest. The grievance of the petitioner is that till date the evaluation has not been completed and it is pending before the Council. The petitioner has filed Cont P No.1303 of 2023 for the non-compliance of the earlier order passed by this Court. Hence, post this writ petition along with contempt petition in Cont.P.No.1303 of 2023 on 16.06.2023.

2.When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the respondent Municipality submitted that the work order has been issued in favour of the petitioner. The learned Standing Counsel also brought to the notice of this Court Rule 244 of the Tamil Nadu Urban Local Bodies Rules, 2023 which came into effect from 13.04.2023. It was submitted that the Rule has now stipulated the inviting authority and the accepting authority based on the funding received by the respondent



Municipality. In the instance case, the Rule enables the Commissioner to be a tender inviting authority as well as the accepting authority and hence, the work order can be issued by the Commissioner and it need not go to the Council.

3.The learned counsel for the petitioner submitted that the matter has been dragged on for nearly three months and as a result, there has been increase in cost and the same must be taken into consideration.

4.In the considered view of this Court, the issue that has been raised by the petitioner cannot be gone into this writ petition and it is always left open to the petitioner to raise this issue **at** an appropriate time. The further development is taken note of and the writ petitions is disposed of accordingly. Consequently, contempt petition is closed.

16.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr



The Commissioner
Maraimalainagar Municipality,
Maraimalainagar,
Chengalpattu – 603 209.



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N. ANAND VENKATESH, J.

SSR

W.P No.17526 of 2023
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16.06.2023