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Writ Petition No.17852 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17852 of 2023
and
W.M.P.Nos.16972 & 16973 of 2023

S.Prasath
S/o.V.Seetharaman

...Petitioner

Vs

1.The Commissioner,
Rural Development and Panchayath Department,
Pangal Maligai,
Saidapet, Chennai - 600 050.

2.The District Collector/Chairman,
District Rural Development,
Kallakurichi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records in the impugned proceedings in Na.Ka.No.A7/1101/2023 dated 10.04.2023 on the file of the second respondent and quash the same.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader



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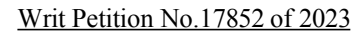
ORDER

Considering the limited issue involved in this writ petition, the main writ petition itself was taken up for final hearing with the consent of both sides.

2. The subject matter of challenge in the present writ petition pertains to the impugned proceedings of the second respondent in Na.Ka.No.A7/1101/2023, dated 10.04.2023.

3. Heard Mr.R.Rajarajan, learned counsel for petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for respondents.

4. The father of the petitioner is a registered contractor and had undertaken various contract works in the district of Villupuram and Kallakurichi. During the year 2020-2021, the father of the petitioner was allotted with certain works by the second respondent. Insofar as two of the works are concerned, it was completed. According to the petitioner, the third work was not able to be completed since the site was not handed over. In view of the same, the work was not able to be completed as per the terms of



5. The grievance of the petitioner is that the second respondent through the impugned proceedings went ahead and cancelled the contract even without putting the petitioner or his father on notice. Aggrieved by the same, the present writ petition has been filed before this Court.

7. On a careful reading of the impugned proceedings of the second respondent, it is seen that there is no reference to any show cause notice or any explanation called for from the petitioner. Straightaway the contract has been cancelled without putting the petitioner or his father on notice.

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even handed over the site in order to complete the work and therefore, when the fault is on the side of the respondents, there is no question of cancelling the contract unilaterally. It is not necessary for this Court to go into this issue in the present writ petition since the impugned proceedings of the second respondent is liable to be interfered with on the simple ground of violation of principles of natural justice.

9. In the light of the above discussion, the impugned proceedings of the second respondent in Na.Ka.No.A7/1101/2023, dated 10.04.2023, is hereby quashed. It is left open to the second respondent to issue a show cause notice to the petitioner, get an explanation from the petitioner and thereafter, take a decision on its own merits and in accordance with law.

This writ petition is allowed in the above terms. No costs.
Consequently, connected miscellaneous petitions are closed.

19.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



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N.ANAND VENKATESH, J

gm

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