



W.P.Nos.18176 of 2014 & 34428 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.18176 of 2014 & 34428 of 2013

and

M.P.Nos.1 of 2014, 1 & 2 of 2013

P&C Constructions (P) Ltd.
Rep. by its Executive Director,
P&C Towers, 2nd Floor,
140, Perundurai Road,
Erode-638011.

...Petitioner in both the Writ Petitions

-Vs-

1. Tamil Nadu Water Supply and Drainage Board,
Rep. by its Managing Director,
No.31, Kamarajar Salai,
Chepauk, Chennai-5.
2. The Engineering Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai-5.
3. The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
No.37, 1st Floor, Eswari Nagar,
M.C. Road, Thanjavur-613004.
4. The Superintending Engineer,
TWAD Board, Thiruchi-Pudukkottai Circle,
4, Bharathidasan Salai, Cantonment,
Thiruchirappalli-620001.



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5. The Executive Engineer,
TWAD Board, Sewerage Division,
56-D, Malligai Illam, Rajaji Nagar,
Ariyalur- 621713. ...Respondents in W.P.No.18176/2014

1. Tamil Nadu Water Supply And Drainage Board
Rep. By Its Managing Director
No.31, Kamarajar Salai,
Chepauk, Chennai-5.

2. The Engineering Director
Tamil Nadu Water Supply And Drainage Board
No.31, Kamarajar Salai,
Chepauk, Chennai-5.

3. The Chief Engineer
Tamil Nadu Water Supply And Drainage Board
30, Bharathi Park Road,
Siruvani Nagar, Coimbatore-641 043.

4. The Superintending Engineer
Twad Board Salem-Namakkal Circle,
No.7, Gandhi Road, Salem-636 007.

5. The Chief Engineer
Tamil Nadu Water Supply And Drainage Board
Ganesh Nagar, Melur Road,
Madurai-625 007

6. The Superintending Engineer
TWAD Board Madurai-Dindigul-Theni Circle
Ganesh Nagar, Melur Road,
Madurai-625 007.

7. The Executive Engineer
TWAD Board, RWS Division,
Ganesh Nagar, Melur Road
Madurai-625 007.



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8. The Chief Engineer

Tamil Nadu Water Supply And Drainage Board
No.37, 1st Floor, Eswari Nagar,
M.C.Road, Thanjavur -613 004.

9. The Superintending Engineer

TWAD Board, Thiruchi-Pudukottai Circle,
4, Bharathidasan Salai, Cnatonment
Thiruchirapalli-620 001.

10. The Executive Engineer

TWAD Board, Sewerage Division,
56-D, Malligai Illam, Rajaji Nagar,
Ariyalur-621 713.

...Respondents in W.P.No.34428 of 2013

Prayer in W.P.No.18176 of 2014:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Cetiorarified Mandamus, calling for the records of the Respondents relating to the order of the 3rd Respondent in Lr.No. 2806/F.CWSS to 281/SDO2/2014 dated 30.06.2014 and quash the same and directing the Respondents to settle all the bills of the Petitioner raised for the work executed as per the design and specification prescribed in the Original Tender followed by the Agreement in respect of CWSS to 281 Habitation in Jayankondam Union in Ariyalur District.

Prayer in W.P.No.34428 of 2013:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Cetiorarified Mandamus, calling for the records of the respondents relating to the order of the 5th respondent in Lr. No.F.Anaiyur/SDO I/CW/2012 dated 8.11.2013 communicating the direction of the 1st respondent Board to



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black list the petitioner and quash the same and also the direction to complete the scheme at the risk and cost of the petitioner.

For Petitioner
in both the WPs. : Mr.N.R.Elango, Senior Counsel
for Mr.G.R.Deepak

For Respondents
in both the WPs. : Mr.Om Prakash, Senior Counsel for
mr.S.Shahila Bhanu, Standing Counsel

COMMON ORDER

The learned senior counsel appearing on behalf of the petitioner in both the writ petitions, after articulating his arguments during the earlier occasion, today made a submission that on account of disputed issues between the parties, the petitioner may be granted liberty to approach the competent civil forum for redressing their grievances.

2.The disputed facts cannot be adjudicated in a writ proceeding under Article 226 of the Constitution of India, which is to be done based on the documents and evidences on record and through oral evidence if required. After hearing the arguments of the learned senior counsel appearing on behalf of the petitioner, this Court also formed an opinion that the petitioner has to resolve the issues through civil forum as the writ Court



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cannot make findings in respect of such technical disputes pertaining to the contract.

3.In view of the facts and circumstances, the petitioner is at liberty to approach the competent civil forum for the purpose of redressal of their grievances. In the event of any such approach, the Court concerned shall take into consideration the period during which the writ petition was pending before the High Court for the purpose of condoning the delay.

4.Accordingly, the writ petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

17.03.2023

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Index : Yes

Speaking

Neutral Citation : Yes



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To
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S.M.SUBRAMANIAM. J.,

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