



WEB COPY

W.P.No.27592 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27592 of 2014

and

M.P.Nos.1 & 2 of 2014

P&C Constructions (P) Ltd.,
Represented by its Chairman and Managing Director,
P&C Towers, 2nd Floor,
140, Perundurai Road,
Erode – 638 011.

... Petitioner

Vs.

1.Tamil Nadu Water Supply and Drainage Board,
Represented by its Managing Director,
No.31, Kamarajar Salai,
Chepauk, Chennai – 600 005.

2.The Superintendent Engineer,
TWAD Board, Salem-Namakkal Circle,
No.7, Gandhi Road,
Salem – 636 007.

3.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Ganesh Nagar, Melur Road,
Madurai – 625 007.

4.The Superintendent Engineer,
TWAD Board, Madurai-Dindigul-Theni Circle,
Ganesh Nagar, Melur Road,
Madurai – 625 007.



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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd Respondent made in his proceedings in Lr.No. F.Anaiyur Mpty/SD01(CW)/2014 dated 30.09.2014 and quash the same and consequently direct the Respondents to settle all the dues and arrears payable to the Petitioner pending with the TWAD Board in its account.

For Petitioner : Mr.G.R.Deepak

For Respondents : Mr.S.Mekhala
Standing Counsel [For TWAD]

ORDER

The writ petitioner is a contractor, who entered into a contract with the Tamil Nadu Water Supply and Drainage Board for providing (WSIS) to Anaiyur Municipality including maintenance of the scheme for a period of 12 months in Madurai District. Admittedly, the period of contract was for one year. It was expired in the year 2011. As per the LS agreement clauses 31, 32 and 40, the Chief Engineer, TWAD Board, Madurai terminated the contract



in view of the fact that the petitioner failed to adhere to agreed terms and conditions.

WEB COPY

2. The learned counsel appearing on behalf of the respondents / TWAD Board made a submission that the period of contract expired in the year 2011 and after terminating the contract with the petitioner / company the TWAD Board allotted the contract in favour of the other company, who in turn executed the works in all respects and the project is functioning.

3. Regarding contractual obligations, Writ Court cannot adjudicate the issues on merits. The petitioner has to redress his grievances, if any, by way of adjudication based on the original documents and evidences. As far as the termination of contract, which is under challenge in the present writ petition, it was terminated in the year 2011 and subsequently, the work was allotted in favour of the other contractor, who had executed that work. That being the factum, the petitioner is at liberty to approach the Competent Civil Court, if at all any grievances exist with reference to the terms and conditions agreed between the parties in the contract.



W.P.No.27592 of

WEB COPY

4. The petitioner in the event of approaching the Civil Court, the Court concerned shall taken into consideration the period during which the writ petition was pending before the High Court for the purpose of condoning the delay.

5. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.03.2023
(1/2)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



W.P.No.27592 of

To

- 1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Salai,
Chepauk, Chennai – 600 005.
- 2.The Superintendent Engineer,
TWAD Board, Salem-Namakkal Circle,
No.7, Gandhi Road,
Salem – 636 007.
- 3.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Ganesh Nagar, Melur Road,
Madurai – 625 007.
- 4.The Superintendent Engineer,
TWAD Board, Madurai-Dindigul-Theni Circle,
Ganesh Nagar, Melur Road,
Madurai – 625 007.
- 5.The Executive Engineer,
TWAD Board, RWS Division,
Ganesh Nagar, Melur Road,
Madurai – 625 007.



WEB COPY

W.P.No.27592 of



S.M.SUBRAMANIAM, J.

Jeni

W.P.No.27592 of 2014

10.03.2023
(1/2)