



W.P.No.24105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24105 of 2023

and

W.M.P.Nos.23591, 23592, 23593 and 23594 of 2023

Vidya Rani V.Rao

... Petitioner

VS.

1.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 641 001.

2.The City Health Officer,
Coimbatore City Municipal Corporation,
Coimbatore – 641 001.

3.A.Vijayakumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st Respondent issued in Na.Ka.No.10026/2021ME.2 dated 09.08.2023 and QUASH the same and consequently to direct the 1st and 2nd Respondents to permit the Petitioner to continue with the work already assigned to the Petitioner till the new tender



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is invited and also to settle the pending bills for more than one year, within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.R.Singaravelan
Senior Advocate
for Mr.T.Ranganathan

For R1 and R2 : Mr.KMD.Muhilan
Additional Government Pleader

ORDER

The writ petition is filed challenging the order passed by the 1st respondent cancelling the extension of time granted to the petitioner for continuing her contract for supply of man power for Sanitary Work.

2. The learned Senior Counsel appearing for the petitioner assails the impugned order mainly on the ground that before passing adverse order cancelling her right to continue the contract, the petitioner was not afforded with any opportunity to putforth her case regarding the allegations made against her. The learned Senior Counsel further submitted that some third parties field an application making certain allegations against the petitioner on 08.08.2023, immediately, the 1st respondent without affording any



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opportunity to the petitioner, passed impugned order on 09.08.2023.

Therefore, the impugned order is liable to be set aside as it is violative of principles of natural justice.

3. Mr.KMD.Muhilan, learned Additional Government Pleader takes notice for the respondents 1 and 2 and on instructions, submits that the impugned order may be set aside and the 1st respondent may be directed to issue fresh notice to the petitioner and pass appropriate orders on merits.

4. In view of the fact the learned counsel for the 1st respondent is not in a position to show any material that a show cause notice was issued to the petitioner before passing the impugned order cancelling the extension of time granted to her, this Court is inclined to set aside the impugned order passed by the 1st respondent. However, liberty is granted to the 1st respondent to issue show cause notice to the petitioner regarding the allegations made against her and afford her with sufficient opportunity to putforth her case and pass fresh orders on merits. Allowing of this writ petition will not come in the way of 1st respondent proceeding with tender process for selection of new contractor.



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5. With these observations, the writ petition is allowed. Since the 1st

respondent wants to proceed with tender process for selecting new Contractor, it is made clear the petitioner is also entitled to participate in tender, if she is otherwise found eligible. No costs. Consequently, the connected miscellaneous petitions are closed.

14.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

WEB COPY

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Coimbatore City Municipal Corporation,
Coimbatore – 641 001.
2. The City Health Officer,
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Coimbatore – 641 001.



WEB COPY



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S.SOUNTHAR, J.

dm

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