

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

WRIT PETITION No.42594 of 2022

ORDER:

This Writ Petition is filed seeking a writ of mandamus declaring the inaction on the respondent No.3 in taking any action on the issue of foreclosure of the work awarded to the petitioner in spite of the memo issued by the Chief Engineer-2nd respondent herein dated 16.08.2022 as illegal and arbitrary and consequently to direct the 3rd respondent to pass appropriate orders for foreclosure of agreement No.06/2018-2019 dated 01.06.2018 and to pass such other order or orders.

2. Brief facts leading to the filing of the present Writ Petition are that the petitioner was awarded the work under the Mission Kakatiya Phase-II "Restoration of Surya Samudramu at Amangal Village and Mandal Mahabubnagar/Rangareddy District converted as mini tank bund" and entered into an agreement on 01.06.2018 and the work was awarded for a sum of Rs.3,75,51,073.26/-. It is submitted that due to stagnation of water, the petitioner could not carry out the work and therefore, he expressed his inability and sought foreclosure of the contract. It is submitted that the 4th and 5th respondents have also recommended for foreclosure of the work due to the above reason and have addressed letters to the 3rd respondent. Thereafter, the 3rd respondent addressed a letter to the 2nd respondent herein for issuing

necessary instructions in the matter and the 2nd respondent issued a memo dated 16.08.2022 directing the 3rd respondent to take necessary action at his level as per necessity/requirement and site conditions for foreclosure of the work. The grievance of the petitioner is that in spite of the said memo, no decision has been taken by the 3rd respondent so far and therefore is seeking a direction to the 3rd respondent to pass appropriate orders on the foreclosure of the work.

3. Learned Government Pleader for Irrigation is also heard.

4. Having regard to the fact that the issue of foreclosure of the contract is pending consideration by the 3rd respondent, this Court deems it fit and proper to direct the 3rd respondent to pass appropriate order thereon within a period of three (03) weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

JUSTICE P.MADHAVI DEVI

Date: 10.01.2023

PRN

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