



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.3572 of 2021
and W.M.P.No.4058 of 2021

A.R.Constructions
Representing by its Managing Director Anand
727, East Kattukottai, Naduvalur Post,
Gangavalli Taluk,
Salem District.

.. Petitioners

Vs.

1.The Commissioner of Municipal Administration,
Office of the Commissionerate of Municipal Administration,
No.75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai – 28.

2.The Zonal Director of Municipal Administration,
Vellore Region, Vellore.

3.The Commissioner,
Kallakurichi Municipality,
Kallakurichi.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records with respect of impugned order issued by the 3rd respondent dated 01/02/2021 in his proceedings in Na.Ka.No.2220 /2018 / E1 and quash the same consequently directing the respondents to permit the petitioner herein to perform with the work which is subject matter of the



work order dated 09/11/2018 in ROC.No.2220 /2018 / E1 issued by the 3rd respondent by considering the representation of the petitioner herein dated 08/01/2021.

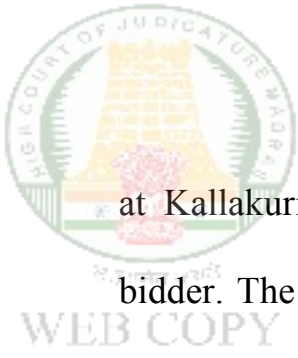
WEB COPY

For Petitioner	.. Mr.R.Nalliyappan
For Respondents	.. Dr.T.Seenivasan Special Government Pleader for R1 and R2
	Mr.L.P.Maurya Standing Counsel for R3

ORDER

This writ petition has been filed in the nature of certiorarified mandamus seeking records relating to an order issued by the 3rd respondent, Commissioner, Kallakurichi Municipality in Kallakurichi, dated 01.02.2021 and quash the same and direct the respondents to permit the petitioner to perform the work which was the subject matter of the work order dated 09.11.2018 in ROC.No.2220/2018/E1 issued by the 3rd respondent/Commissioner, Kallakurichi Municipality in Kallakurichi by considering the representation of the petitioner herein dated 08.01.2021.

2.In the affidavit filed in support of the writ petition, it had been stated that the 3rd respondent/Commissioner, Kallakurichi Municipality had called for tender dated 04.10.2018 to remove the legacy waste of 26,621 Cubic meters at Durugam Main Road



at Kallakurichi. It had been stated that the petitioner was declared as a successful bidder. The work order was also issued on 09.11.2018. It had been contended that the petitioner proceeded with heaping the waste in the place of work and Bioremediation work till the month of April 2019. It had been stated that the 3rd respondent did not take steps to get electricity service connection from the electricity department. It had been stated that the petitioner then came to know that the electricity service connection could be provided only if there is a building. The 3rd respondent therefore asked the petitioner to put a superstructure. It had been stated that the petitioner put up a building at a cost of six lakhs and also obtained electricity service connection on 25.11.2019. He then installed machineries and started Biomining process on 01.06.2020. It had been stated that as COVID-19 pandemic then set in and made further work impossible of performance. The petitioner had therefore stated that the impugned order by which the work was terminated should be withdrawn and the petitioner should be permitted to perform the work.

3.A counter affidavit had been filed they denying and disputing the contentions of the petitioner herein. In the counter affidavit, it has been stated as follows:

20. I respectfully submit that vide Council Resolution dated 25.01.2021, a decision to terminate the contract of the petitioner was made. I respectfully submit that vide Roc. No.2220/2018/E1 dated 01.02.2021 the termination order was issued thereby terminating the



petitioner from the contract of Work Order dated 09.11.2018.

WEB COPY

21. I respectfully submit that after considering all the facts and circumstances the termination order was issued and the 3rd Respondent cannot indefinitely extend the period of work. I respectfully submit that the project of Reclamation of the Existing Dump Yard located at Durugam Main Road by removing the legacy waste of 26,621 Cum in Kallakurichi Municipality is very much of public importance and needs to be carried out immediately. I respectfully submit that the petitioner's continuous silence to all the notices sent by the 3rd Respondent indicates the petitioner's disinterest and lethargic attitude to carry out the Work Order which is of grave public importance and has serious health implication on the general public. The above said work has been delayed by the petitioner for more than 2 years.

22. I respectfully submit that to carryout project of Reclamation of the Existing Dump Yard located at Durugam Main Road by removing the legacy waste of 26,621 Cum in Kallakurichi Municipality, a fresh tender was notified vide Roc. No. 2220/2018/E1 dated 03.02.2021 in order to clear out the legacy waste and thereby reclaiming the land for public use. I respectfully submit that since the same is the time bound one granting the extension to the petitioner would in the alternative end up in earning the Wrath of Central Government and will have serious health implication on the general public.

4.It is seen that the termination order was issued on 01.02.2021. Thereafter, it is



contended by the learned counsel for the respondents that work had been offered to another third party and the work had also been completed as on date. It had also been contended that the work was time bound one and that granting extension to the petitioner would have serious implications on the general public. Therefore, the 3rd respondent had taken a conscious decision to award the work to yet another third party who had completed the work. Nothing further survives for adjudication.

5. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

18.11.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
ssr

To

1. The Commissioner of Municipal Administration,
Office of the Commissionerate of Municipal Administration,
No.75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai – 28.
2. The Zonal Director of Municipal Administration,
Vellore Region, Vellore.
3. The Commissioner,



Kallakurichi Municipality,
Kallakurichi.

WEB COPY





WEB COPY

7



C.V.KARTHIKEYAN,J.

ssr

W.P.No.3572 of 2021
and W.M.P.No.4058 of 2021

18.11.2024