



W.P. No. 3620 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 3620 of 2023

and

W.M.P. No. 3697 of 2023

M.R. Balakrishnan

... Petitioner

-VS-

1. The State of Tamilnadu,
rep. by its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Fort St. George,
Chennai 600 009.
2. The District Collector,
Perambalur,
Perambalur District.
3. The Block Development Officer/
Project Implementing Officer,
Veppur Panchayat Union,
Perambalur District.
4. The Chief Education Officer,
Perambalur,
Perambalur District.
5. The Project Director,
District Rural Development Agency,
Perambalur,
Perambalur District.
6. The Assistant Director,



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(Municipalities/Audit),
District Collectorate,
Perambalur District.

7. The Assistant Executive Engineer,
Rural Development (Sub Division),
Perambalur.
 8. The Junior Engineer,
Veppur Panchayat Union,
Veppur,
Perambalur District.
 9. The President,
Keezhaperambalur Village Panchayat,
Perambalur District.
- Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceeding passed by the Second Respondent in Se.Mu.No.2015/2022/A3 dated 07.10.2022 in so far as Serial Nos.9 and 10 is concerned and quash the same, consequently, direct the Second and Third Respondents to re-allot the contract to the Petitioner and allot the fund fixed earlier to complete the remaining work.

For Petitioner : Mr. N.Vignesh

For Respondents : Mr. V.Ravi, (for R1, R2 and R4 to R8)
Special Government Pleader

Mr. T.Seenivasan (for R3)

Mr. M.S.Prem Kumar (for R9)



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ORDER

Heard Mr. N.Vignesh, Learned Counsel for the Petitioner, Mr. V.Ravi, Learned Special Government Pleader appearing for the First, Second, Fourth to Eighth Respondents, Mr. T.Seenivasan, Learned Counsel for the Third Respondent and Mr. M.S.Prem Kumar, Learned Counsel for the Ninth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that he had been awarded a contract for construction of compound wall for the Government Higher Secondary School at Perambalur in respect of which he has completed 75% of the work, but the Second Respondent by the Notification in Se. Mu. No. 2015/2022/A3 dated 07.10.2022 has called for tenders for the same work, which is challenged in this Writ Petition.

3. In furtherance to the order dated 31.07.2022 passed by this Court, it had been brought to notice that the earlier contract awarded to the Petitioner has already been terminated by Proceedings in Na. Ka. No. A2/740/2016 dated 03.04.2017 issued by the Third Respondent, and the Petitioner has on



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29.08.2023 filed another Writ Petition in W.P. No. 25796 of 2023 challenging

it. Though the Petitioner is feigning ignorance of the said order of termination, it is evident from the materials placed on record that it was already served on him. In such circumstances, there does not appear to be any justification to restrain the Respondents from completing the work by calling for fresh tender in public interest, which is paramount, and does not require any interference by this Court for the self-serving personal interests of the Petitioner, in the exercise of discretionary powers of judicial review under Article 226 of the Constitution.

In the result, the Writ Petition, which is devoid of merits, is dismissed. The interim order earlier granted on 08.02.2023 and subsequently extended on 19.04.2023, 05.06.2023, 31.07.2023, 07.08.2023, 01.09.2023, 15.09.2023, 04.10.2023, 12.10.2023, 21.11.2023, 13.12.2023, 09.01.2024 and 14.02.2024 stands vacated. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.05.2024.

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To



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P.D. AUDIKESAVALU, J.

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