



WEB COPY



W.P.No.17841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17841 of 2024

KCP Infra Limited
Represented by its Director
K. Muthukumarasamy
Number 4, Ground Floor
Alayam Space, Anandha Road,
Alwarpet, Chennai 600 018.

...Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Building, Poonamallee high road,
Chennai- 600 003.

2. The Superintending Engineer,
Storm Water Drain Department,
Greater Chennai Corporation,
Chennai 600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider and pass appropriate orders on the representation of the Petitioner Company dated 21.10.2023 and 06.12.2023 and received respectively by the Respondents wherein a request has been made for foreclosure of the works entrusted through Letters of Acceptance bearing



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reference SWDC No.B3/2236/2019-1, dated 21.01.2020 and SWDC No.B3/2236/2019-13, dated 21.01.2020 within a reasonable time and pass orders.

For Petitioner : Mr.Ganesh

For Respondents : Mr.P.T. Ramadevi, Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction directing the second respondent to consider and pass appropriate orders on the representation of the Petitioner Company dated 21.10.2023 and 06.12.2023 and received respectively by the Respondents wherein a request has been made for foreclosure of the works entrusted through Letters of Acceptance bearing reference SWDC No.B3/2236/2019-1, dated 21.01.2020 and SWDC No.B3/2236/2019-13, dated 21.01.2020 within a reasonable time and pass orders.

2. Mr.P.T.Ramadevi, Standing Counsel, takes notice for the Respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The facts of the case is that the petitioner is a Registered



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Contractor under the Highways Department, Public Works Department and also other Departments of the Government for construction and maintenance. The second respondent has awarded two work orders through letters of Acceptance vide SWDC No.B3/2236/2019-1, dated 21.01.2020 and SWDC No.B3/2236/2019-13, dated 21.01.2020. Pursuant to the letter of acceptance, the petitioner's company has deposited a sum Rs.8,70,000/- and Rs.22,10,000/- as security deposit against the work order SWDC No.B3/2236/2019-1, and SWDC No.B3/2236/2019-13 respectively. Thereafter, all preparatory works were done and work was started. The grievance of the petitioner is that they could not continue the work due to various factors such as work relating to Manjapakkam Pond and there were some encroachments in the pond. Hence the petitioner's company made a representation to the second respondent on 21.10.2023 and 06.12.2023 to return the money which has been deposited as security deposit and to foreclose the contract as they could not complete the work. However, no payment was made to the petitioner and there was no response till date by the second respondent. Hence, the present Writ Petition.



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4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the second respondent to consider the petitioner's representation dated 21.10.2023 and 06.12.2023 and pass orders.

5. Learned Standing counsel appearing for the respondent/Corporation would submit that a direction will be issued to the respondents to consider the representation of the petitioner after affording an opportunity of personal hearing and orders will be passed.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondent to consider the petitioner's representation dated 21.10.2023 and 06.12.2023 and pass orders on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



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7. With the aforesaid direction, this Writ Petition stands disposed
of. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
smn

Copy To:

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2. The Superintending Engineer,
Storm Water Drain Department,
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Chennai 600 003

V.BHAVANI SUBBAROYAN,J.



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