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W.A.Nos.2708, 2709, 2710 & 2711 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.Nos.2708, 2709, 2710 & 2711 of 2021
and

W.M.P.Nos.17561, 17564, 21128, 21125, 17571, 17568 of 2021

[W.A.No.2708 of 2021
and W.M.P.Nos.17561, 17564 & 21128 of 2021]

R.Parthiban

... Appellant

Vs.

1. State Of Tamilnadu,
Rep. by its Principal Secretary To Government,
Adi Dravidar And Tribal Welfare Department,
Secretariat,
Chennai 600009.

2. The Managing Director,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet,
Chennai 600018.

3. The General Manager (Technical),
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet,
Chennai 600018.



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4. The Executive Engineer,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Vellore Division, Adi Dravidar Residential Hostel Campus,
Govindaraj St, Otteri Pagayam, Vellore 632002.

5. Mrs.Vijayarani, Managing Director,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet, Chennai-18.

6. Mrs.G.Suriyakala
(impleaded as R6 as per order dated 16.07.2021 made in WMP No.15542 of
2021 in WP No.7615 of 2021). ... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to pass an order setting aside the Order of Termination passed by the 2nd Respondent vide Letter No.C/1958/2018 Tho.Nu.AI dated 23.02.2021 and set aside the Order dated 06.09.2021 passed by the Learned Single Judge in WP No.7615 of 2021.

For Appellant : Mr.T.Mohan, Senior Counsel for
Mr.V.Haribabu

For Respondents : Mr.T.Chezhiyan, AGP (for R1);
: Mr.S.Ilamvaludhi for
Mr.A.Ashok Kumar (for R2 & R4);
: Mr.G.Krishna Raja (for R3);
: No Appearance (for R5);
: Mr.Arun Anbumani (for R6).



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[W.A.No.2709 of 2021

and W.M.P.Nos.21125, 17571 & 17568 of 2021]

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R.Parthiban

... Appellant

Vs.

1. State Of Tamilnadu,
Rep. by its Principal Secretary To Government,
Adi Dravidar And Tribal Welfare Department,
Secretariat,
Chennai 600009.

2. The Managing Director,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet,
Chennai 600018.

3. The General Manager (Technical),
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet,
Chennai 600018.

4. The Executive Engineer,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Vellore Division, Adi Dravidar Residential Hostel Campus,
Govindaraj St, Otteri Pagayam,
Vellore 632002.

5. Mrs.Vijayarani, Managing Director,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet,
Chennai-18.



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6. Mrs.G.Suriyakala

(impleaded as R6 as per order dated 16.07.2021 made in WMP No.15542 of 2021 in WP No.7615 of 2021).

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to pass an order setting aside the Order of Termination passed by the 2nd Respondent vide Letter No.C/1958/2018 Tho.Nu.AI dated 23.02.2021 and set aside the Order dated 06.09.2021 passed by the Learned Single Judge in WP No.7616 of 2021.

For Appellant : Mr.T.Mohan, Senior Counsel for
Mr.V.Haribabu

For Respondents : Mr.T.Chezhiyan, AGP (for R1);
: Mr.S.Ilamvaludhi for
Mr.A.Ashok Kumar (for R2 & R4);
: Mr.G.Krishna Raja (for R3);
: No Appearance (for R5);
: Mr.Arun Anbumani (for R6).

**[W.A.No.2710 of 2021
and W.M.P.Nos.17573, 17574, 21122 of 2021]**

R.Parthiban

... Appellant



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W.A.Nos.2708, 2709, 2710 & 2711 of 2021

Vs.

1. State Of Tamilnadu,
Rep. by its Principal Secretary To Government,
Adi Dravidar And Tribal Welfare Department,
Secretariat, Chennai 600009.
2. The Managing Director,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet, Chennai 600018.
3. The General Manager (Technical),
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet, Chennai 600018.
4. The Executive Engineer,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Coimbatore Division,
Coimbatore – 18.
5. Mrs.Vijayarani, Managing Director,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet, Chennai-18.
6. Mr.N.Stalin
(R6 impleaded as per order dated 16.07.2021 made in WMP.No.15552 of
2021 in WP.No.7619 of 2021) ... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to pass an order setting aside the Order of Termination passed by the 2nd Respondent vide Letter No.C/TN 02-17/2018. Vu.Che.Po dated 23.02.2021 and set aside the Order dated 06.09.2021 passed by the Learned Single Judge



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in WP No.7619 of 2021.

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For Appellant : Mr.T.Mohan, Senior Counsel for
Mr.V.Haribabu

For Respondents : Mr.T.Chezhiyan, AGP (for R1);

: Mr.S.Ilamvaludhi for
Mr.A.Ashok Kumar (for R2 & R4);

: Mr.G.Krishna Raja (for R3);

: No Appearance (for R5 & R6);

**[W.A.No.2711 of 2021
and W.M.P.Nos.17576, 17579, 21124 of 2021]**

R.Parthiban

... Appellant

Vs.

1. State Of Tamilnadu,
Rep. by its Principal Secretary To Government,
Adi Dravidar And Tribal Welfare Department,
Secretariat, Chennai 600009.

2. The Managing Director,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet, Chennai 600018.

3. The General Manager (Technical),



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Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet, Chennai 600018.

4. The Executive Engineer,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Coimbatore Division, Coimbatore – 18.

5. Mrs.Vijayarani, Managing Director,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Teynampet, Chennai-18.

6. Mr.S.Senthil Kumar
(R6 impleaded as per order dated 16.07.2021 made in WMP.No.15555 of
2021 in WP.No.7622 of 2021) ... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to pass an order setting aside the Order of Termination passed by the 2nd Respondent vide Letter No.C/1958/2018/Tho.Nu.A1 dated 23.02.2021 and set aside the Order dated 06.09.2021 passed by the Learned Judge in WP No.7622 of 2021.

For Appellant : Mr.T.Mohan, Senior Counsel

For Respondents : Mr.T.Chezhiyan, AGP (for R1);
: Mr.S.Ilamvaludhi for
Mr.A.Ashok Kumar (for R2 & R4);
: Mr.G.Krishna Raja (for R3);
: No Appearance (for R5);



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: Mr.S.Dharmakkan (for R6).

COMMON JUDGEMENT

(Judgement of the Court was delivered by S.M.Subramaniam J.)

These writ appeals have been instituted challenging the common order dated 06.09.2021 in W.P.Nos.7615, 7616, 7619 & 7622 of 2021.

2. The writ petitioner, in all the writ petitions, is the appellant in the present writ appeals. Termination of contract, awarded to the petitioner, is under challenge.

3. Four writ petitions are filed with reference to four different contracts entered into between the appellant and the second respondent / Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd. The appellant could not able to complete the works, as stipulated in the agreements, which resulted in termination of contract by the second respondent.

4. Though the learned counsel appearing on behalf of the appellant



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would dispute the said reason, the respondents would submit that there was an enormous delay in executing the works and the works have not been completed within the time stipulated.

5. We are not inclined to go into the merits in view of the fact that re-tender notification was issued by the second respondent after cancellation of the contract entered into between the appellant and the second respondent. Re-tender notification was processed and the respective 6th respondent in Writ Appeals were the successful bidders, who in turn completed the works and handedover the possession to the second respondent Corporation.

6. It is not in dispute that the re-tender notification remained unchallenged and further, the agreements between the respective 6th respondents and the 2nd respondent also remained unchallenged. Therefore, the cause, originally arose for challenging the termination of contract, became vanished on account of re-tender notification and award of contract in respect of the same works in favour of the respective 6th respondents. Several other allegations, raised between the parties, deserve no adjudication in these writ appeals and the parties are at liberty to work out their remedy in the manner know to law.



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7. As far as the writ appeals before us are concerned, the termination of contract, issued by the second respondent against the writ appellant, lost its relevance. The said facts were considered by the learned Single Judge in paragraph 20 of the impugned common order, which reads as under:

“20. Notwithstanding the above, it is to be pointed out that on 03.02.2021, show cause notices have been issued by the second respondent calling upon the petitioner as to why the contracts need not be terminated. The petitioner ought to have issued replies to those notices dated 03.02.2021 and brought to the notice of the second respondent the pace of the work. However, the petitioner did not sent any reply to the show cause notices dated 03.02.2021. According to the petitioner, soon after receipt of the show cause notices, he was hospitalised and he could not cause reply to the show cause notices dated 03.02.2021. Though the petitioner raised an allegation that the show cause notices issued are pre-determined, a cursory glance at the same would show that the date mentioned therein is a typographical error, as stated in the counter affidavit filed by the respondent authorities. In any event, before terminating the contracts on 23.02.2021, show cause notices were issued by the second respondent, receipt of which has also been admitted by the petitioner. When the petitioner did not submit his reply to the show cause notices dated 03.02.2021, the orders of



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termination came to be passed. In such circumstances, this Court is of the opinion that the second respondent has strictly adhered to the principles of natural justice before passing the orders of termination, which are impugned in these writ petitions.”

8. In view of the above facts and circumstances, we do not find any infirmity in respect of the common order impugned passed in the writ petitions. Accordingly, the writ appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(C.K.J.,)

20.06.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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Rep. by its Principal Secretary To Government,
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Teynampet, Chennai 600018.
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Teynampet, Chennai 600018.
4. The Executive Engineer,
Tamil Nadu Adi Dravidar Housing And Development Corporation Ltd,
Coimbatore Division, Coimbatore – 18.
5. Mrs.Vijayarani, Managing Director,
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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

(sha)

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