



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-01-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.18086 of 2020

And

WMP Nos.22473 and 22474 of 2020

JANBAL CONSTRUCTIONS,
No.13/2, Pari Street,
Teachers Colony,
Erode-638 011 Represented by its
Managing Partner Mr.C.Natarajan.

.. Petitioner

-VS-

- 1.The Principal Chief Engineer,
General Manager Office,
Southern Railway,
George Town,
Chennai-600 003.
- 2.The Divisional Railway Manager,
Palakkad Division,
Southern Railway,
Palakkad,
Kerala.

.. Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent impugned termination order No.J/W-148/7283 dated 12.11.2020 and quash the same, consequently restraining the first respondent from blacklisting the petitioner's firm based on the termination order of the second respondent No. J/W-148/7283 dated 12.11.2020.

For Petitioner : Mr.S.Kousik
For Respondents : Mr.P.T.Ramkumar,
Standing Counsel for Railways.

ORDER

The termination of contract invoking the conditions stipulated in the contract by the respondent-Southern Railway in proceedings dated 12.11.2020, is under challenge in the present writ proceedings.

2. The impugned order would reveal that as per the Certificate



submitted by the petitioner along with the tender document, the petitioner had violated the conditions 4,5, 6 and 8 of Annexure-V of GCC.

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3. Since the petitioner had violated the conditions, the contract for the work at Shoranur-Mangalore Section was terminated in terms of provisions of Clause 11(vi)(b) of the general conditions of contract.

4. The contractual obligations between the parties reduced in writing by way of a document requires adjudication based on documents and evidences. The High Court cannot conduct a roving enquiry in respect of such contractual obligations of the parties in the present writ proceedings. Whether the petitioner has complied with the condition as stipulated in the contract subject to the satisfaction of the respondent-Southern Railway, required an elaborate consideration and therefore, the present writ proceedings in respect of such disputed facts are not entertainable. Thus, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of effective adjudication of issues.



5. With the above liberty, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Principal Chief Engineer,
General Manager Office,
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George Town,
Chennai-600 003.

2. The Divisional Railway Manager,
Palakkad Division,
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Palakkad,
Kerala.

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S.M.SUBRAMANIAM, J.

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