



WEB COPY



W.P.No.20915 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.20915 of 2023

and

W.M.P.Nos.35119,20282, 20283, 20288 & 20289 of 2023

A.Saravanan

... Petitioner

Vs.

1. The State Of Tamilnadu,
Represented By Its Principal Secretary To Government,
Adi Dravidar And Tribal Welfare(SCP) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director,
Adi Dravidar And Tribal Welfare Directorate,
Chepauk, Chennai - 600 005.

3. The Managing Director,
Tamil Nadu AdiDravidar Housing And
Development Corporation(TAHDSCO),
No. 31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai - 600 018.

4. The Chief Engineer,
Tamilnadu Adidraavidar Housing And
Development Corporation(TAHDSCO),
No. 31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai - 600 018.

5. The Executive Engineer,
TAHDSCO-Villupuram.



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6. T.AnbuDevakumari,
Former-Executive Engineer,
TAHDCO-Villupuram.

Presently As Executive Engineer,
Tamilnadu Adidravidar Housing And
Development Corporation(Tahdco),
No. 31, Cenotaph Road, 2nd Lane,
Teynampet, Chennai - 600 018.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Ceriorarified Mandamus, calling for the records pertaining to the order dated 01.07.2023 passed by the 4th respondent in Ka.No. C/17./2021/Oo.Se.Po.1/01.07.2023 and quash the same as illegal and arbitrary and consequently issue suitable direction to the respondents to inspect the infrastructure work done in Adi Dravidar Welfare Middle School at Chellankuppam in Cuddalore District and determine afresh the value for completing infrastructure work for six class rooms.

For Petitioner : Mr. D.Lakshmipathy

For Respondents : Mr.T.Venkatesh Kumar,
Special Govt. Pleader (For R1 & R2);

Mr.S.Ilamvaludhi for
Mr.E.A.Ashok Kumar (for R3 & R4);

No Appearance (for R5 & R6).



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ORDER

The termination of contract issued by the Chief Engineer, Tamilnadu Adidraavidar Housing And Development Corporation (TAHDCO), in proceeding dated 01.07.2023, is under challenge in the present writ petition.

2. The petitioner participated in the tender process and he was a successful bidder. Work order was issued to the petitioner contractor on 19.8.2021. The period of contract was four months. Therefore, the petitioner ought to have completed the construction of class rooms on or before 18.12.2021.

3. The respondents filed a counter stating that the petitioner has not even commenced the work within the period of four months. Time was extended to commence the work and complete the same by the Department. Even within the extended period, the petitioner failed to complete the construction works. Finally the Chief Engineer has taken action and terminated the contract. Before issuing the impugned order of termination, show cause notices were issued to the petitioner for not completing the work.



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4. Such contractual obligations and the disputed issues cannot be adjudicated in a writ proceedings. Prima facie the petitioner has not even commenced the work within the period of four months nor completed the work within the further extended period. Therefore, this Court do not find any infirmity in respect of the order of termination passed by the Chief Engineer terminating the contract.

5. As per the terms of the contract, the petitioner has to redress his grievances in the manner known to law. As far as the order of termination of contract is concerned, admittedly the fact remains that the construction of class rooms were not completed within a period of four months. Thus this Court is not inclined to entertain the writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.04.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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S.M.SUBRAMANIAM. J.,

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