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W.P. No. 33720 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. 33720 of 2023
and
W.M.P. No. 33570 of 2023**

M.Ganapathy

... Petitioner

-VS-

1. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.
2. The Additional Commissioner,
Health,
Greater Chennai Corporation,
Chennai - 600 003.
3. The Chief Engineer,
Solid Waste Management Department,
Greater Chennai Corporation,
Chennai - 600 003.
4. The Superintending Engineer,
Solid Waster Management Department,
Greater Chennai Corporation,
Chennai - 600 003.
5. Sugumar
6. The Regional Deputy Commissioner (South),
Greater Chennai Corporation,
Chennai - 600 003.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, directing the Second Respondent call for the records of the termination letter having No. S.W.M.C. No. A4/923/2023 dated 09.11.2023 and quash the same and consequently direct the Second Respondent to insert the Petitioner's company name "GT EVERGREEN ENVIRO SERVICES" into the empanel service provider list of companies again ad also direct the Third and Fourth Respondents to accept the Petitioner's renewal application given on 09.11.2023.

For Petitioner : Mr. D.Yogeswaran

For Respondents : Ms. K.Ashwini Devi,
Standing Counsel (for R1 to R4 & R6)

ORDER

Heard Mr. D.Yogeswaran, Learned Counsel for the Petitioner and Ms. K.Ashwini Devi, Learned Standing Counsel appearing for the First to Fourth and Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fifth and Seventh Respondents, notice to them is dispensed with.



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3. The Petitioner had entered into partnership-deed dated 25.02.2022 with one S.Thamilmaran for running partnership firm, viz., M/s. GT Evergreen Enviro Services, and had been empanelled as service provider for dealing with solid waste management of the First to Fourth Respondents. It is informed that subsequently, there has been dispute between the Petitioner and the said S.Thamilmaran and a suit in O.S. No. 541 of 2022 has been filed before the District Munsif Court, Alandur relating to the said dispute, which is pending. In the interregnum, the Petitioner had sought for renewal of empanelment. However, the Second Respondent by Proceedings in S.W.M.C. No. A4/4923/2023 dated 09.11.2023 has terminated the empanelment, which is assailed in this Writ Petition.

4. Having regard to the fact that the empanelment was relating to partnership firm and the Petitioner now seeks empanelment in his individual capacity, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to make application for empanelment of the Petitioner in individual capacity and he has made an endorsement to that effect in the court record. It is made clear that no view has been expressed by the Court on the merits of the controversy involved



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in the matter and if the Petitioner is aggrieved by any order that may be passed refusing empanelment in his individual capacity, he is not precluded from working out his remedies before the proper forum in the manner recognized by law.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

04.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 23.04.2024.

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To

1. The Commissioner,
Greater Chennai Corporation,
Chennai - 600 003.
2. The Additional Commissioner,
Health,
Greater Chennai Corporation,
Chennai - 600 003.
3. The Chief Engineer,
Solid Waste Management Department,
Greater Chennai Corporation,
Chennai - 600 003.



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4. The Superintending Engineer,
Solid Waster Management Department,
Greater Chennai Corporation,
Chennai - 600 003.

5. The Regional Deputy Commissioner (South),
Greater Chennai Corporation,
Chennai - 600 003.

Copy to

1. Sugumar,
Zonal Officer,
Zone - 11,
Valasaravakkam,
Chennai - 600 087.
2. Dharani,
Assistant Executive Engineer (AEE, SWM, GCC),
Greater Chennai Corporation,
Chennai - 600 003.



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P.D. AUDIKESAVALU, J.

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