



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.29769 of 2017
And
WMP No.32119 of 2017**

R.Ramarao

.. Petitioner

-VS-

- 1.State of Tamil Nadu Represented by its
Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Chennai-600 009.
- 2.The Chief Engineer,
Highways (C&M),
Chepauk,
Chennai-600 005.
- 3.The Superintending Engineer,
Highways Department (C&M),
Chennai Circle,
Anna Salai,
Chennai-600 006.



4. The Divisional Engineer,
Highways Department (C&M),
Thiruvallur,
Thiruvallur District.

.. Respondents

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 Letter in Lr.No.551/2015-16/A-1 dated : nil.06.2016 signed on 09.07.2016 on the file of the fourth respondent quash the same and direct the respondents to refund the entire amount to the petitioner which was already deducted from he bills.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader.

ORDER

The present writ petition has been filed challenging the letter dated 09.07.2016 issued by the fourth respondent.



2. The price variation for the work package was the dispute, which is raised in the present writ petition.

3. The contention of the petitioner is that unilateral decision was taken by the respondents to revise the price, which was agreed in the contract and the enhanced amount is deducted without any opportunity to the petitioner.

4. The issues raised in the present writ petition are no more *res integra* and the Hon'ble Division Bench of this Court considered and passed orders on 01.11.2023 in Writ Appeal Nos.1041 to 1051 of 2017 etc., batch and the relevant portion of the said order reads as under:-

“28. In the light of decision of the Hon'ble Supreme Court in U. P. Power Transmission Corporation Ltd. supra, when there is violation of principles of natural justice, writ petition can be entertained in contractual matters in the interest of justice. As such, the order passed by the learned Single Judge is liable to be set aside. Accordingly, this Court is inclined to pass the



following order:

(i) The order passed by the Writ Court dated 23.3.2017 in W.P.Nos.29871 of 2016, etc. Batch is set aside.

(ii) The third respondent is directed to furnish details of the recovery made by them by issuing show cause notice along with audit report. The said exercise shall be carried out within a period of four weeks from the date of receipt of copy of the order.

(iii) The appellants shall submit reply to the show cause notice within a period of four weeks thereafter.

(iv) The respondent shall thereafter pass orders on merit, after considering the reply of the appellants, within a period of four weeks and till such time, the appellants are not entitled for refund of the deducted amounts.”

5. In view of the judgment of the Hon'ble Division Bench of this Court, cited supra, the impugned proceedings in letter No.551/2015-16/A-1 dated 09.07.2016 stands quashed.



6. Accordingly, the present writ petition stands allowed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

12-01-2024

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

To

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State of Tamil Nadu ,
Highways and Minor Ports Department,
Secretariat,
Chennai-600 009.

2.The Chief Engineer,
Highways (C&M),
Chepauk,
Chennai-600 005.

3.The Superintending Engineer,
Highways Department (C&M),
Chennai Circle,
Anna Salai,
Chennai-600 006.



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4.The Divisional Engineer,
Highways Department (C&M),
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