



W.P.No.34539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.34539 of 2023

and

W.M.P.Nos. 34456 & 34457 of 2023, 11049, 4725 of 2024

R.Parthiban

.. Petitioner

vs

1.State of Tamil Nadu

Rep. By its Principal Secretary to Government
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.

2.The Managing Director,

Tamil Nadu Adi Dravidar Housing and Development
Corporation Limited, No.31,Cenotaph Road,
2nd Lane, Teynampet, Chennai – 600 018.

3.The Chief Engineer,

Tamil Nadu Adi Dravidar Housing and Development
Corporation Limited, No.31,Cenotaph Road,
2nd Lane, Teynampet, Chennai – 600 018.

4.Mr.Kandasamy, The Managing Director,

Tamil Nadu Adi Dravidar Housing and Development
Corporation Limited, No.31,Cenotaph Road,
2nd Lane, Teynampet, Chennai – 600 018.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records culminating in the order of the 3rd respondent dated 12.07.2023 bearing Ka.No.C/1958/2022, blacklisting the petitioner and quash the same as illegal, arbitrary and malafide and consequently direct the respondents 1 to 3 to permit the petitioner to take part in the Tenders of TAHDCO in the State of Tamil nadu and consider the tender bids of the petitioner in appropriate manner.

For Petitioner : Mr.N.L.Rajah, Senior Advocate
for Mr.V.Haribabu



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For Respondents : Mr.M.R.Gokul Krishnan, AGP for R1
Mr.J.Ravindran, AAG
assisted by
Mr.C.A.Ashok Kumar, for R2, R3
No appearance for R4

ORDER

Read this order in continuation of and in conjunction with order dated 11.03.2024 reading thus :-

"The petitioner draws attention to an order passed on 27.02.2023 in the case of this petitioner in an earlier round of litigation. The prayer in WP.No.3577 of 2022 which has been disposed on 27.02.2023 along with other writ petitions was for a certiorarified mandamus challenging an order of black listing passed by the Executive Engineer-Salem, Tamil Nadu Adi Dravidar Housing and Development Corporation Limited/R4 under which the petitioner was black listed. The petitioner had sought a consequential direction to the respondents to permit him to take part in the tenders of TAHDCO in the State of Tamil Nadu.

2.The Court while disposing the matter has passed the following directions in WP.Nos.27570 of 2021 & batch:

'11. The following directions are therefore issued.

(i) The respondents, if they are able to produce the acknowledgement or rather even the service of notice prior to blacklisting, forward a copy of the same to the petitioner and inform him that proper procedure had been followed and that he had been blacklisted.

(ii) If the respondents are not able to get particular documents relevant to the service of notice, then they may re-visit their entire decision for blacklisting. Let the earlier order not play in the minds of the respondents and a fresh notice be issued to the petitioner and invite him for a discussion and point out the reasons as to why they have to take action against him and get his



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opinion and thereafter take a considered decision.

(iii) The respondents may take a decision to either issue a corrigendum to the earlier Tender or issue a fresh Tender.

(iv) If such Tender is called afresh, then depending on whether notice had been served on the petitioner for blacklisting or notice had not been served depending on the outcome of the fresh proceedings as against the petitioner, the petitioner's applications can be examined by the respondents herein. The respondents thereafter, shall move forward with the object of construction of the building.

12. Let not the officials who earlier examined the credentials of the petitioner be again asked to examine, but let the first respondent depute or delegate other officials to examine the credentials of the petitioner herein with respect to whether he should be blacklisted or not blacklisted.'

3.In conclusion, the Court at paragraph 12 asks the respondents to take ten days to examine whether notice has been served on the petitioner prior to black listing. If the notice has been served, the Court states the matter ends there and the petitioner was given liberty to question the black listing. However, if notice had not been served then the Court grants liberty to the respondents to issue fresh notice and states that the process should be completed within a period of twelve (12) weeks from the date of issuance of the fresh notice. This order was passed on 27.02.2023.

4.The respondents has issued a fresh show cause notice on 05.04.2023 which makes it clear that notice had not been issued in the first place. Hence, the stand of the petitioner then, stands vindicated by virtue of the conduct of the respondents. In response to this notice, the petitioner has given a reply dated 12.04.2023.

5.The impugned order has come to be passed on 12.07.2023 and is a non-speaking order in which the respondent states that the contentions of the petitioner do not merit



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acceptance. No reasons have been adduced. A prima facie case has thus been made out for grant of an order of interim stay.

6.List on 12.04.2024.

7.Interim stay in WP.No.34539 of 2023, till then with all consequences to follow.”

2. Today, Mr.J.Ravindran, learned Additional Advocate General appearing for Mr.C.A.Ashok Kumar, for R2 and R3 would not contest the observations in the above order. He would also accede to the position that the directions in paragraph 11 of order dated 27.02.2023 in W.P.No.27570 of 2021, have not been followed. Hence, and on the basis of the aforesaid concession, the impugned order has, evidently, to go, and is quashed.

3. The respondents are at liberty to initiate proceedings afresh, and if at all such proceedings are initiated, they will ensure scrupulous adherence to the directions at paragraph 11 of order dated 27.02.2023 in W.P.No.27570 of 2021 and batch. It is made clear that, as on date, there is no blacklisting that stands in the way of the petitioner participating in any other tenders subject, of course, to eligibility on all other fronts.

4. This writ petition is closed in terms of this order. No Costs. Connected miscellaneous petitions are closed.

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Index:Yes/No
Neutral Citation:Yes
ssm

Note to Registry : Issue on 24.06.2024.



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To

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Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Adi Dravidar Housing and Development
Corporation Limited, No.31,Cenotaph Road,
2nd Lane, Teynampet, Chennai – 600 018.
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DR. ANITA SUMANTH,J.

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