



W.P.(MD)No.17569 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.17569 of 2023

and

W.M.P.(MD)Nos.14668 and 22583 of 2023

M.A.M.Mohamed Meera

... Petitioner

Vs.

1.The Chief Conservator of Forests and Field Director,
Srivilliputhur Megamalai Tiger Reserve,
Madurai – 625 002.

2.The District Forest Officer,
Madurai Division,
2, Race Course Road,
Madurai – 625 002.

3.The Forest Ranger,
Usilampatti Forest Range Office,
Usilampatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the second respondent dated 06.08.2021 in



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Se.Mu.A.No.Va/7207/2019 confirmed by the proceedings of the first respondent dated 05.07.2023 in Proc.No.9630/2021/D2 and further proceedings of the first respondent dated 17.08.2023 in Proc.No.9630/2021/D2 and consequently direct the respondents 1 and 2 to revive the registration of the petitioner as a registered contractor under the second respondent.

(Prayer amended vide Court Order dated 25.09.2023 in W.M.P.(MD)No.19324 of 2023 in W.P.(MD)No.17569 of 2023)

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

Heard Mr.J.Anandkumar, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents.

2. This Writ Petition has been filed challenging the order of the second respondent dated 06.08.2021 confirmed by the proceedings of the first respondent dated 05.07.2023 and further proceedings of the first respondent



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dated 17.08.2023 and to consequently direct the respondents 1 and 2 to revive the registration of the petitioner as a registered contractor under the second respondent.

3. The learned counsel for the petitioner submitted that the petitioner had been awarded contract for civil works during the year 2019-2020. In view of intervening COVID-19-19 period, the works could not be carried out within time line prescribed as there has been intermittent complete lock down. In view of the lock down, the contract workers of the petitioner was unable to attend the work and that there has been a delay. However, without considering this aspect, the second respondent herein had issued a show cause notice calling upon the petitioner as to why he should not be removed from the list of registered contractors. Without accepting the reasons submitted by the petitioner, the second respondent by order dated 06.08.2021 had removed the petitioner from the list of contractors and had also blacklisted the petitioner for a period of three years from again registering himself as a forest contractor. He would submit that against the said order, an appeal had been filed before the first respondent and the first respondent by proceedings dated 05.07.2023 again without considering the reason for non-completion of work, confirmed the order of the



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second respondent regarding blacklisting the petitioner for a period of three years. He would submit that three years had come to an end in the month of

August 2024 itself. However, in view of the removal of his name from the list of contractors, the petitioner is not able to participate in the future tenders. He would further submit that even though both the first and second respondents had accepted the reason for delay but had held that there were certain periods during which the lock down had been relaxed and the works could have been completed at the relevant point of time. He would submit that fear of being affected with COVID-19, most of the workers have refrained from attending the works and therefore, the petitioner was unable to get any other new works. Therefore, he would submit that the punishment imposed to remove the petitioner from the list of contractors is wholly unjustified.

4. Countering his arguments, the learned Additional Government Pleader appearing for the respondents would submit that the complete lock down was not invoked for the entire period during COVID-19 pandemic. Relaxation have been given for carrying out the Government works and based upon the e-pass system, employees and workers were permitted to travel. Therefore, the reasons assigned by the petitioner had been an after thought and there is no reason for



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interfering with the order impugned. He would further submit that it is always open to the petitioner to make appropriate application seeking for registration after the period of blacklisting is over. In the present case, the period of three years is over and it is open to the petitioner to take out the application for re-registering him as a forest contractor.

5. I have considered the submissions made on either side and perused the records.

6. It is an admitted case that the delay had happened during the period when humanity was at sufferance due to the COVID-19 pandemic and individuals fearing life had refused to come out. Even though the reasons had been accepted, the respondents have attempted to carve out an exception by saying during the relaxation period, the petitioner should have completed the work by engaging them in service. It is the case of the petitioner that workers feared to come out.



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7. In view of COVID-19, I am of the view that the punishment imposed upon the petitioner by removing him from the list of contractors is highly irrational. Since the period of blacklisting is already over, what remains to be answered is with regard to the removal of the petitioner from the list of contractors. Since I have already found that the punishment has been irrational and harsh, the order imposing punishment directing removal of the petitioner from the list of contractors alone is set aside, as he had already suffered the punishment of black listing.

8. In such view of the matter, the Writ Petition is partly allowed and the punishment imposed on the petitioner viz., the removal from the list of Forest Contractors alone is set aside. The respondents shall not deny the rights of the petitioner to participate in the future tenders from the date of this order. No costs. Consequently, connected miscellaneous petitions are closed.

14.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

6/8



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Note: Issue Order Copy on 20.11.2024.

To:

WEB COPY

- 1.The Chief Conservator of Forests and Field Director,
Srivilliputhur Megamalai Tiger Reserve,
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- 2.The District Forest Officer,
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K.KUMARESH BABU, J.

Nsr

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