



W.P.(MD)No.20659 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20659 of 2024
and W.M.P.(MD)No.17517 of 2024

G.Stalin

... Petitioner

Vs.

The Executive Engineer,
Tamil Nadu Adi Dravidar Housing and
Development Corporation (TAHDCO),
Tirunelveli Division,
Reserve Line Road,
Elanthakulam, Palayamkottai,
Tirunelveli.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus call for records relating to impugned order of the respondent in letter No.263/2021/DB/ dated 08.08.2024 quash the same and consequently direct the respondent to permit the petitioner to complete the work within the extended period.

For Petitioner

: Mr.J.Anandkumar



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ORDER

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This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for records relating to impugned order of the respondent in letter No.263/2021/DB/ dated 08.08.2024, quash the same and consequently direct the respondent to permit the petitioner to complete the work within the extended period.

2. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondent is dispensed with and the Writ Petition is disposed of at the admission stage itself.

3. It is the case of the Writ Petitioner that the petitioner has awarded contract to construct 6 class rooms in the ADW Primary School at Kadambankulam in Tirunelveli District. As per the work order, the construction should be completed within a period of six months. As the petitioner has not completed the construction within a period of six months, the impugned order came to be passed. Challenging the same, the petitioner has filed this Writ Petition.



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4. It is the contention of the learned counsel for the petitioner that when the petitioner has applied for extension of time on 18.06.2024, the respondent by its proceedings dated 01.08.2024, is agreed to extend the time, by imposing penalty of Rs.5,000/- for the delay in work. However, on 08.08.2024, without giving any notice or opportunity, the respondent has passed the impugned order by terminating the contract, which is in violation of the terms of the contract and therefore, the impugned order is liable to be set aside.

5. At the out set, this Court is of the view that when the issue is arising out of a contract between the parties and the termination is based on the terms agreed between the parties in a contract, this Writ Petition is not maintainable. If the termination is bad, according to the petitioner, he can invoke the arbitration proceedings as per the terms of the contract and seek relief by filing necessary interim application in the arbitration proceedings.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

vsm

30.08.2024

NCC : Yes/No

Index : Yes/No

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N.SATHISH KUMAR, J.

vsm

To

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