



WP(MD)No.21527 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.21527 of 2019
and
WMP(MD)No.18186 of 2019

G.Stalin

.. Petitioner

v.

1.The Managing Director,
Tamil Nadu Co-operative Union,
Chennai – 10.

2.The Joint Registrar,
Co-operative Society,
Virudhunagar Region, Virudhunagar.

3.The Principal,
Thiyagi Sankaralinganar Institute of Co-operative Management,
Sattur, Virudhunagar District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the impugned assessment order on the file of the second respondent in Na.Ka.5102/16 tha.sa. dated 16.09.2019 and quash the same.



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For Petitioner : No appearance

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R.1, R.2

No appearance for R.3

ORDER

The petitioner is a Contractor. He executed certain works on a tender notified by the second respondent for construction of a new building for Thiyagi Sankaralinganar Institute of Co-operative Management at Sattur, Virudhunagar District. However, the scheduled amount was not disbursed to him. Therefore, the petitioner has filed a writ petition before this Court in WP(MD)No.9305 of 2019 for a mandamus directing the respondents to release the scheduled arrears amount within a stipulated time limit. This Court, by order dated 14.11.2019, directed the respondents to consider the representation of the petitioner. In the meantime, the second respondent has passed the impugned order dated 16.09.2019 cancelling the petitioner's contract. As against the same, the petitioner has filed this writ petition.



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2. When the writ petition came up for hearing on 07.02.2024, the petitioner's Counsel represented that he has already returned the papers to the petitioner and also filed a memo to that effect. The petitioner has not made arrangements for representing this writ petition. Therefore, the Registry was directed to issue notice to the petitioner. Accordingly, Registry has issued the notice, however, the notice has been returned with an endorsement 'door locked'.

3. The second respondent has filed a counter affidavit that this petitioner has not completed the work properly, as per the agreement and that the quality of the work is also poor. In this regard, the Department of Civil Engineering, Thiagarajar College of Engineering, conducted an inspection and submitted its reports dated 23.10.2018 and 07.11.2018, with the following observations:-

- “(1) The building progressed upto Earth beam / Grade beam level.*
- (2) By visual observation, the subsoil is found to be Black-cotton soil.*



(3) *The quality of construction is found to be very poor. The joint between the grade beams and columns are not properly connected.*

(4) *There is a possibility of raising of water level at the site.*

(5) *The observed average pulse velocity shows the quality of concrete of the chosen members was found to be doubtful. There grading of concrete are based on IS 13311.*

(6) *The existing dimension of the critical column is inadequate.*

(7) *The existing dimension and depth of the critical footing is inadequate and*

(8) *The building, which has been built so far, is made of low quality concrete."*

Therefore, the respondents have not released the amount and have cancelled the contract.

4. Since there is no representation for the petitioner and the petitioner has not made any arrangements to represent the case, by recording the counter affidavit filed by the second respondent, this writ petition stands closed. The petitioner is at liberty to work out his remedy before the competent civil Court, in the manner known to law.



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There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

04.03.2024

To

- 1.The Managing Director,
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Chennai - 10.
- 2.The Joint Registrar,
Co-operative Society,
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B.PUGALENDHI, J.

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