



W.P.(MD)No.22107 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22107 of 2024

S.Selvamani

... Petitioner

Vs

1. The District Collector,
Collectorate Building,
Korampallam,
Thoothukudi.

2. The Assistant Director,
Rural Development Department (Panchayat),
Thoothukudi, Thoothukudi District.

3. The Block Development Officer,
Kovilpatti Panchayat Union,
Thoothukudi District.

4. The Chairman,
Kovilpatti Panchayat Union,
Kovilpatti.

5. The Division Engineer,
Kovilpatti Panchayat Union,
Kovilpatti.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 3 to 5, herein to consider the petitioner's application dated 12.03.2022 seeking to include his name in the list of approved contractors for Kovilpatti Panchayat.

For Petitioner	: Mr.S.Senthil Sankara Natha Kumar
For respondents	: Mr.D.Sadiq Raja (R1 & R2) Additional Government Pleader Mr.V.Vairam Santhosh (R3) Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 3 to 5, herein to consider the petitioner's application dated 12.03.2022 seeking to include his name in the list of approved contractors for Kovilpatti Panchayat.

2.Heard Mr.S.Senthil Sankara Natha Kumar, learned counsel appearing for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for R1 & R2 and Mr.V.Vairam Santhosh, learned Additional Government Pleader appearing for R3. Perused the materials available on record. Considering the nature of issue, counter is not required in this writ petition.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.It is case of the writ petitioner that the petitioner is running a Construction Company in the name and style of 'Mano Construction'. In order to get civil contract work either for construction of building or for other work, from the Kovilpatti Panchayat, the petitioner's name has to be registered with the Local Body as a Government approved Contractor. Such registration is regulated under G.O.Ms.No.1789, PWD, dated 29.12.1992. Accordingly, the petitioner made an application before the 4th respondent on 12.03.2022 and the same has not been considered. In this regard, several reminders have been sent by him. However, no order has been passed. Resulting which, the present writ petition came to be filed.

5.The learned Additional Government Pleader appearing for the respondents 1 & 2, on instructions submitted that including the petitioner, totally 19 applications have been received in this regard. On 11.07.2024, when the council meeting took place, the council took note of the fact that already 54 approved contractors were available and decide to withheld the subject matter temporarily. In future, the council shall decide about the approval of application



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of petitioner and others in this regard.

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6.At the outset, when the Government Order permits the approval of the contractors, if the petitioner and others are otherwise qualified for registration, merely since more number of contractors already registered, it cannot be a reason to postpone the sanction of the petitioner and others application endlessly.

7.In such view of the matter, if the petitioner's application is in order as per G.O.Ms.No.1789 PWD, dated 29.12.1992, the 4th respondent shall approve it as per law. The said exercise shall be completed within a period of four months from the date of receipt of copy of this order.

8.Accordingly, this writ petition stands disposed of. No costs.

18.09.2024

NCC : Yes/No
Index : Yes/No
PNM



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N.SATHISH KUMAR, J.

PNM

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