



W.P.(MD)No.27985 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.27985 of 2024

Pon Nallathmabi

...Petitioner

Vs.

1. The Superintendent of Police
Thanjavur District
Thanjavur
2. The Deputy Superintendent of Police
Thiruvaiyaru
Thanjavur District.
3. The Inspector of Police
Bhoodhalur Police Station
Bhoodhalur,
Thanjavur District
4. P.Venkatesan
Executive Engineer(Incharge)
THADCO
Thanjavur District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to complete the enquiry against the fourth respondent based



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on the petitioner's representation dated 14.08.2024 along with C.S.R. Receipt vide No. 310/2024, dated 17.08.2024 within the time frame as fixed by this Court.

For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.A.Thiruvadikumar
No.1 to 3 Additional Public Prosecutor

ORDER

The Writ Petition has been filed to direct the third respondent to complete the enquiry against the fourth respondent based on the petitioner's representation dated 14.08.2024 along with C.S.R. Receipt No. 310 of 2024, dated 17.08.2024 within the time frame as fixed by this Court.

2. The petitioner had sent a representation on 14.08.2024 making allegations against the fourth respondent that against the rules of tender condition the petitioner had stocked three tonnes of steel rods, stone gravel, m-sand and scaffolding materials and other building materials which was in the said building site have been taken away by the fourth respondent illegally. To retrieve the same he had lodged a compliant.



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3. The learned Additional Public Prosecutor would submit that the petitioner was a Contractor to construct class rooms to Adi Dravidar Primary School at Bhoodalur. He was the successful tenderer and he was awarded contract work on 27.09.2023. He had some dispute with regard to the manner of construction and also adhering to time limit. The bill was raised by him on 14.02.2024 for a sum of Rs.2,50,000/- but it was approved only to an extent of Rs.80,000/- and hence the dispute continues and thereafter the petitioner failed to take up construction work. Since it was a school building and within the time limit entire process has to be completed and show cause notice was issued and the petitioner was called for enquiry and thereafter on the petitioner's representation order was passed on 13.06.2020 stating that within 28.06.2020 basement work to be completed by 10.07.2020 roof work to be completed and by 20.08.2024 all works pertaining to the project to be completed but the petitioner has not shown any initiative despite the order passed on 13.06.2020. Thereafter on 26.07.2024 the petitioner's tender was cancelled, his EMD deposit was withheld. The petitioner has so far not challenged the order passed by the fourth respondent on



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26.07.2024. On the other hand lodged complaint as though the fourth respondent had stolen the building materials of the petitioner. Pursuant to the complaint of the petitioner the petitioner was called for enquiry and CSR No.310 of 2024 assigned but the petitioner failed to appear on the other hand fourth respondent had submitted all the documents. The petitioner if appears before the respondent police enquiry can be completed.

4. The learned counsel appearing for the petitioner submitted that within two weeks from the date of receipt of a copy of this order he would appear before the third respondent and submit all the documents to justify action to be taken as against the fourth respondent.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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Bhoodhalur,
Thanjavur District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M. NIRMAL KUMAR, J

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