



W.P.(MD)No.29009 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.29009 of 2024

and

W.M.P.(MD)No.24572, 24574 & 24574 of 2024

N.Ragavan

... Petitioner

Vs.

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Assistant Director of Town Panchayats,
Collectorate,
Nagercoil,
Kanyakumari District.
3. Ganapathipuram Town Panchayat,
Represented by its Executive Officer,
Kanyakumari District.
4. Junior Assistant Engineer,
Ganapathipuram Town Panchayat,
Agasteeswaram Taluk,
Kanyakumari District.

5. Arulappan

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the Impugned Cancellation Order issued by the 3rd respondent in Na.Ka.No. 23-1/2023/A1 dated 17.10.2024 and quash the same as illegal and arbitrary.

For Petitioner : Mr.P.T.Ramesh Raja
For Respondents : Mr.D.S.Neduncheliyan (R1 & R2)
Government Advocate
Mr.K.S.Selvaganesan (R3)
Additional Government Pleader
Mr.Ramakrishnadoss (R4)

ORDER

Challenging the impugned order dated 17.10.2024, canceling the work allotted to the petitioner, this writ petition is filed.

2. Since the order going to be passed in this writ petition will not affect the rights of the fifth respondent, notice to the fifth respondent is dispensed with. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on either side and carefully perused the entire materials available on record.



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4. The learned counsel appearing for the petitioner submitted that the petitioner, having invested and commenced the work, only due to non cooperation of the 4th respondent, had managed to commence the work belatedly and was progressing with the work. In the meanwhile, the impugned order came to be passed and the works have been allotted to the fifth respondent causing difficulty and loss to the petitioner and hence, he sought for setting aside the impugned order and permitting him to continue with the work.

5. Per contra, the learned Additional Government Pleader appearing for the third respondent submitted that the work order was issued to the petitioner as early as on 14.03.2024 by proceedings in ROC.No.23/2023 and the period for completion of work is three months. Even after a passage of three months, the petitioner failed to commence the work and hence, the fourth respondent had submitted his report on 08.05.2024 reporting that writ petitioner failed to commence the work even after a lapse 55 days, following which the petitioner was issued with five notices dated 10.05.2024, 19.08.2024, 05.09.2024, 03.10.2024, 15.10.2024, requiring him to commence the work. Despite issuance of five notices requiring him to commence the work forthwith, there was no cooperation on the part of the petitioner and hence, lastly on 17.10.2024, the impugned order came to be passed and thereafter, the work was re-allotted to



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the 5th respondent with all three works viz., laying paver block floor, digging up borewell and construction of pump rooms. Having slept over for the past 1½ months, without challenging the impugned order, the petitioner has now filed this writ petition. The work has been taken by the fifth respondent and almost the work is completed and hence, he vehemently pressed for dismissal of this writ petition.

6. This Court is of the considered view that when the petitioner was allotted the work and when he was not in a position to commence the work, only because of the non cooperation of the 4th respondent, he ought to have brought the same to the notice of the first respondent as soon as possible. He received the first notice on 10.05.2024, but he had not chosen to respond to all the five notices, which was issued one after other to commence the work till 15.10.2024. Atleast after the impugned order, which was passed on 17.10.2024 canceling all the three works, he ought to have rushed to this Court with all his contentions which the petitioner has right to raise. Having not done so and having slept over for the past 9 months, when the work was allotted to the fifth respondent and after commencement of work, that too the work being almost completed by the fifth respondent, the petitioner has no local standi to approach this Court by filing this writ petition and accordingly, this writ petition fails and



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the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.12.2024

(1/3)

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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Order made in
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(1/3)

Dated
04.12.2024