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W.P. No.34211 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.34211 of 2016

and

W.M.P. Nos.29518, 34161 and 29517 of 2016

M/s.Om Sakthi Constructions,
Rep by its Partner,
NH and Highways Contractor
Thollamur, Vanur Taluk,
Villupuram District.

Petitioner(s)

Vs

1.The Superintending Engineer (H),
Construction and Maintenance Circle,
Ellis Chatram Road,
Villupuram- 605 401.

2.The Divisional Engineer (H),
C&M High Ways Department,
Ellis Chatram Road, Villupuram- 605 401.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to follow the terms of the G.O.Ms.No.101 Public Works (G2) department dated 10.06.2009, taking the base rate from the date of signing works agreement to end of agreement period and consequently direct the second respondent to settle all the amount due to the petitioner.

For Petitioner(s) : Mr.K.Sridhar



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For Respondent(s) : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This writ petition is filed seeking a direction to the 2nd respondent to follow the terms of the G.O.Ms.No.101 Public Works (G2) department dated 10.06.2009, taking the base rate from the date of signing works agreement to end of agreement period and to consequently direct the 2nd respondent to settle all the amount due to the petitioner.

2. The learned counsel for the petitioner would submit that the petitioner is a Class-I contractor registered with respondent Highways Department and is engaged in the business of road contract work in the name and style of M/s.Om Sakthi Constructions for more than a decade. While so, on 21.07.2015 the respondents called for tenders for improvement and construction of retaining wall and culverts to the Government roads in Vanur (H) C & M Sub-division (Package-47) (2015-2016) for a total package of Rs.14,11,00,000/- The petitioner was a successful bidder for the said works and after completion of the works, the respondents had to pay the amount terms of G.O.Ms.No.101, Public Works (G2) Department dated 10.06.2009, however, the same was not followed.



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Hence, the petitioner has preferred the present writ petition with the above prayer.

3. The learned counsel for the petitioner would submit that a very same relief was sought before this Court in W.P.No.32021 of 2016, the prayer sought for in the writ petition is as follows:

“Writ petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus directing the second respondent to follow the terms of the G.O.Ms.No.101 issued by the Public Works (G2) Department dated 10.06.2009, taking the base rate from the date of signing works agreement to end of agreement period and consequently to direct the second respondent to settle the amount to the petitioner.”

4. The aforesaid writ petition was challenged before this Court along with batch of cases in W.A.Nos.1041 to 1051 of 2017 etc., batch. The Division Bench of this Court disposed of the batch of cases vide order dated 01.11.2023, with the following directions:

“28. In the light of decision of the Hon'ble Supreme Court in U.P.Power Transmission Corporation Ltd. Supra, when there is violation of principles of natural justice, writ petition can be entertained in contractual matters in the interest of justice. As such, the order passed by the learned Single Judge is liable to be set



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aside. Accordingly, this Court is inclined to pass the following order:

(i) The order passed by the Writ Court dated 23.03.2017 in W.P.Nos.29871 of 2016, etc. Batch is set aside.

(ii) The third respondent is directed to furnish details of the recovery made by them by issuing show cause notice along with audit report. The said exercise shall be carried out within a period of four weeks from the date of receipt of a copy of this order.

(iii) The appellants shall submit reply to the show cause notice within a period of four weeks thereafter.

(iv) The respondent shall thereafter pass orders on merit, after considering the reply of the appellants, within a period of eight weeks and till such time, the appellants are not entitled for refund of the deducted amounts.”

5. Accordingly, this writ petition is disposed of in terms of the Division Bench order dated 01.11.2023 in W.A.Nos.1041 to 1051 of 2017 etc., batch. No costs. Consequently, the connected miscellaneous petitions are closed.

13.11.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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M.DHANDAPANI, J.

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