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WP No. 25643 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 25643 of 2023
and WMP No. 25052 OF 2023**

M/s.P.S.T. Engineering Construction
By Its Managing Partner,
Dr. V.S. Thennarasu, Kolaram Post,
Paramathi Velur Taluk,
Namakkal District.

Petitioner(s)

Vs

1. The Executive Enginner
Tamil Nadu Urban Habitat Development Board
(formerly Tamil Nadu Slum Clearance Board),
17-20, Aranganathan Nagar,
Ponneri Karai, Kancheepuram - 631 502.

2.The Chief Engineer,
Tamil Nadu Urban Habitat Development Board
(formerly Tamil Nadu Slum Clearance Board),
No. 5, Kamarajar Salai, Chennai - 600 005.

3.The Executive Engineer, Davison III
Tamil Nadu Urban Habitat Development Board,
T.P. Chatram, Chennai - 600 010.

Respondent(s)

PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, call for the entire records of the 1st Respondent relating to the impugned order Na.Ka. 257/A2/Ka.Ko/2019 dated 14.08.2023 withholding payment of Rs. 1,24,55,044/- pertaining to 1 percentage bonus paid towards K.P.Project and quash the same.



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For Petitioner(s): Mr.Srinath Sridevan, Sr.C.
M/s.S.Senthil
For Respondent(s): M/s. K. Indumathy Venkatesh
For R1 To R3

ORDER

This petition has been filed seeking to quash the impugned order Na.Ka. 257/A2/Ka.Ko/2019 dated 14.08.2023 withholding the payment of Rs. 1,24,55,044/- pertaining to 1 percentage bonus paid towards K.P.Project.

2. It is the case of the petitioner that the petitioner is a Contractor and he had constructed a free house sites built for general public at K.P.Park Scheme in Chennai Corporation. According to the petitioner, he completed the said project even before the due date and in appreciation of the same, he was given bonus for one percentage. According to the petitioner, even after completion of the project, it was not handed over to general public. In the meanwhile, Covil-19 pandemic broke out and the tenements built under K.P.Park Scheme was allotted to treat infective patients. According to the petitioner, the respondents carried out certain alterations in the structure of the building to accommodate patients and for further treatment and during the process, the building was damaged. After the patients were discharged, the petitioner, out of goodwill and as per the directions of this Court, re-did patch work and handed over the completed tenements to the authorities.



3. According to the petitioner, carrying out another project at Keerapakkam. While so, the petitioner was served with the impugned order stating that based on Accountant General Audit report pertaining to 2020-2021 which was recommended to recover 1% bonus payment together with interest amounting to Rs.1,24,55,044/- paid towards K.P.Part Project as construction work completed in advance and it was redone because of certain discrepancies. Challenging the same, the present writ petition has been filed.

4. Heard the learned counsel for both side and perused the materials available on record.

5. The consistent stand taken by the petitioner both in the affidavit filed in support of the writ petition and also arguments is that the petitioner was not given any opportunity before passing the impugned order. According to the learned counsel for the petitioner, the petitioner had indeed completed the project even before the due date and in appreciation of the same, 1% bonus was awarded. It was only due to certain structural changes made during treatment of Covid patients, damages occurred in the building and out of goodwill and on humanitarian grounds, the petitioner had re-did the patch works. Therefore, the learned counsel for the petitioner submitted that the order impugned is set aside. The learned counsel for the respondents would also fairly submitted that the petitioner was not given an opportunity before the impugned order was passed.



6. Without expressing any opinion on the merits of the case, the impugned order is set aside and the matter is remanded back to the third respondent. The third respondent is directed to issue show cause notice to the petitioner and afford an opportunity of hearing to the petitioner and conduct enquiry in accordance with law and thereafter, pass appropriate orders.

7. With the above directions, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

30-10-2025

rlh

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Secretary

Tamil Nadu Urban Habitat Development Board
(formerly Tamil Nadu Slum Clearance Board),
17-20, Aranganathan Nagar, Ponneri Karai,
Kancheepuram - 631 502.

2. The Chief Engineer,

Tamil Nadu Urban Habitat Development Board
(formerly Tamil Nadu Slum Clearance Board),
No. 5, Kamarajar Salai, Chennai - 600 005.

3. The Executive Engineer, Division III

Tamil Nadu Urban Habitat Development Board, T.P.
Chatram, Chennai - 600 010.



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