



W.P.No.25440 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.25440 of 2024
and W.M.P.No.27808 of 2024

M/s CMK Projects Pvt. Ltd
R.S.F.No.C23/52, VCTC Road
Erode – 638 003.
Represented by its Director
C.K.Balasubramaniam

.. **Petitioner**

Vs.

1.The Government of Tamil Nadu
Rep.by its Secretary
Housing and Urban Development Department
Fort St, Chennai – 600 009.

2.The Chief Engineer
Public Works Department, Tamil Nadu Government
Coimbatore Zone
Coimbatore – 641 001.

3.The Managing Director
Tamil Nadu Police Housing Corporation Ltd
(Government of Tamil Nadu Undertaking)
No.132, E.V.R.Salai, Kilpauk
Chennai – 600 010.

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4.The Chief Engineer
Tamil Nadu Police Housing Corporation Ltd
(Government of Tamil Nadu Undertaking)
No.132, E.V.R.Salai, Kilpauk
Chennai – 600 010.

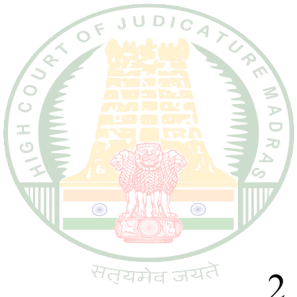
.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records of the impugned order by the 4th respondent vide letter No.Lr.No.CE/DB/103/2014 dated 23.05.2024 and to quash the same and pass such further or other orders.

For the Petitioner	: Mr.A.K.Sriram, Senior Counsel for Mr.Thirumalai Rajagopal
For the Respondents	: Mr.M.Suresh Kumar Additional Advocate General Assisted by Mr.Santhosh Standing Counsel for RR3 & 4 Mr.E.Vijay Anand Additional Government Pleader For RR1 & 2

ORDER

This Writ Petition is filed challenging the impugned order passed by the 4th respondent vide letter No.Lr.No.CE/DB/103/2014 dated 23.05.2024 and to quash the same.



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2. The petitioner is an approved contractor. While so, by an impugned order dated 25.05.2024, the petitioner was blacklisted. Hence the present Writ Petition.

3. When the matter came up for hearing, although the learned Additional Advocate General, appearing on behalf of respondents 3 and 4, submitted that he may need more time to get instructions and file a counter in the matter, it can be seen that the impugned order of blacklisting is passed by the Chief Engineer, Tamil Nadu Police Housing Corporation Ltd, who is not the competent authority.

4. The learned Senior Counsel appearing on behalf of the petitioner taking this Court through the relevant Rules for registration of contractors, more specifically relying upon Rule 12, relating to blacklisting would submit that blacklisting is a punishment which is distinct from other forms of punishment and the Chairman as well as the Managing Director are only authorised to issue the blacklisting order.



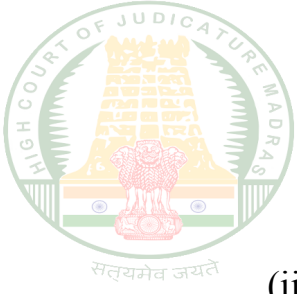
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5. Secondly, the contention of the learned Senior Counsel is that the impugned order is passed without affording opportunity to the petitioner. When blacklisting is a punishment, the same ought not to have been issued without issuing any show cause notice. It is further contended that the very order of blacklisting is issued pursuant to another order of blacklisting in Public Works Department and the same has been subsequently withdrawn by the said Department.

6. The impugned order is passed by the Chief Engineer - 4th respondent herein. It does not refer to any show cause notice. As such, this Writ Petition stands disposed of, on the following terms,

(i) The impugned order dated 23.05.2024 bearing ref No.Lr.No.CE/DB/103/2014 stands quashed; However, the Chairman and the Managing Director of the Tamil Nadu Police Housing Corporation Ltd will be at liberty to pass orders afresh, in the manner known to law, if the necessity is still exists;



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(ii) No costs. Consequently, the connected miscellaneous petition is closed.

07.02.2025

Neutral Citation : No
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To

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Government of Tamil Nadu
Housing and Urban Development Department
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- 3.The Managing Director
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