



W.P.(MD)No.691 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2025**

CORAM:

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

W.P.(MD)No.691 of 2025

T.Azhakesan

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Nagercoil,
Kanyakumari District.
2. The Commissioner,
Padmanabhapuram Municipality,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to implement the work order issued vide its ROC No.883/2022/E1 dated 29.02.2024 for the “KNMT 2024-2025” construction of new bus stand, Padmanabhapuram Municipality, Kanyakumari District with extent the contract period for 2 years from the date of implementation the above said work order, further accept the current market price scheduled of the materials as on date of the implementation in the said work order to the petitioner and consider the petitioner's representation dated 25.03.2024, 02.07.2024 and 13.11.2024 within stipulated time by this Court.



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For Petitioner

: Mr.Kannan Gurusami

For Respondents

: Mr.D.S.Neduncheliyan,
Government Advocate (for R1).
Mr.Aaathimoola Pandian,
Standing Counsel (for R2).

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ORDER

This writ petition has been filed seeking for a direction to the 2nd respondent to implement the work order issued vide its ROC No.883/2022/E1 dated 29.02.2024 for “KNMT 2024-2025” construction of new bus stand, Padmanabhapuram Municipality, Kanyakumari District, with extension of the contract period for 2 years from the date of implementation the above said work order, and also to accept the current market price scheduled on the materials as on date of the implementation in the said work order to the petitioner and also to consider the petitioner's representations dated 25.03.2024, 02.07.2024 and 13.11.2024 within stipulated time by this Court.

2. Heard the learned counsel on either side and perused the materials placed before this Court.



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3. The petitioner is the successful bidder in the work order in “KNMT 2024-2025” for construction of new bus stand, Padmanabhapuram Municipality, Kanyakumari District vide ROC No.883/2022/E1 dated 29.02.2024. The second respondent Municipality has issued the work order and the worksite had also been handed over to the petitioner as early as on 08.10.2024 and boomi pooja was also conducted in presence of all the respondent authorities as well as the petitioner on the same day. Thereafter, the petitioner failed to proceed with the work promptly as per the requirements of the proceedings of the second respondent vide ROC No.883/2022/E1 dated 29.02.2024. In the interregnum, the petitioner made several representations more particularly dated 25.03.2024, 02.07.2024 and 13.11.2024 seeking to hand over the worksite to implement the work order issued by the second respondent for construction of new busstand at Padmanabhapuram Municipality, Kanyakumari District, accepting the current market price scheduled on the materials as on date of the implementation in the said work order to the petitioner. Since the said representations were not considered, this writ petition came to be filed.

4. The learned standing counsel appearing for the second respondent Municipality, on instructions submitted that having accepted with the tender



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conditions issued in the work order in “KNMT 2024-2025” vide ROC No. 883/2022/E1 dated 29.02.2024 by the second respondent, the second respondent had immediately handed over the work site to the petitioner along with the work order. Having done boomi pooja, for the reasons best known to the petitioner, he has never made up his mind to commence the work and complete the same within the stipulated period of two years from 29.02.2024 and has kept the work pending and not a single stone has been moved by the petitioner after 08.10.2024 and this writ petition is filed by the petitioner on the hidden agenda seeking for more payment by violating the tender conditions on the basis of the current market price scheduled on the materials as on date of the implementation in the said work order to the petitioner and hence, he pressed for dismissal of this writ petition.

5. The learned counsel appearing for the petitioner, contradicting the claim of the learned counsel appearing for the second respondent that the work site was handed over to him promptly, submitted that the work order was issued as early as 29.02.2024 and the same was not handed over to him promptly on the guise of removal of wastage from the work site. Till 08.10.2024, the work site was not handed over to the petitioner. The second respondent municipality removed the wastage from the work site only on 30.08.2024 and even after a



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lapse of two months, the second respondent has not handed over the work site to the petitioner. Hence, the petitioner, due to this disadvantageous position, may not be able to complete the work within a period of two years as stipulated in the work order issued date 29.02.2024.

6. No doubt, there is a delay in handing over the work site from 29.02.2024 to 08.10.2024 ie., for the period of eight months. In view of the same, this Court is of the considered opinion that the petitioner should be permitted by the second respondent Municipality to complete the work by extending the tenure of his work for a period of eight months. Accordingly, the second respondent is directed to extend the tenure of the work order which was issued to the petitioner by the second respondent vide ROC No.883/2022/E1 dated 29.02.2024 for the “KNMT 2024-2025” for a period of eight months.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

09.01.2025

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

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TO:-

1. The District Collector,
Office of the Collectorate,
Nagercoil,
Kanyakumari District.
2. The Commissioner,
Padmanabhapuram Municipality,
Kanyakumari District.

Order made in
W.P.(MD)No.691 of 2025

Dated:
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