



W.P(MD)No.8748 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.8748 of 2025

V Best Engineers
rep. by its
Managing Partner,
Vignesh,
S/o R.K.Moorthy,
3, 4th Street, Ramalinga Nagar,
West Extension 2,
Tiruchirappalli - 620 003.

... Petitioner

Vs

The Chief Engineer,
Public Works Department,
Trichy Region
Trichy - 620 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to update the amendment of the petitioner's Partnership deed and the new Solvency Certificate, based on the representations of the petitioner firm dated. 09.10.2024 and 07.03.2025.

For Petitioner : Mr. B.Prasanna Vinoth

For Respondent : Mr.G.Suryananth
Additional Government Pleader



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ORDER

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The petitioner seeks issuance of a Writ of Mandamus to direct the respondent to update the amendment of the petitioner's partnership deed and the new solvency certificate, based on his representations dated 09.10.2024 and 07.03.2025.

2. The petitioner states that there exists a partnership firm under the name and style of “V Best Engineers” at Trichy. The said partnership firm is a Class-IA contractor registered with the respondent. The partnership firm was formed on 02.02.2011. Being a partnership firm, several partners joined and left the firm. One such partner was Indrani, wife of Vaithilingam. Her property had been shown as a document of solvency with the respondent. Subsequently, Indrani retired, and then one Thenmozhi, wife of Anbu Saravanan, joined the partnership firm.

3. The petitioner further states that as the solvency certificate had been given for the firm in the name of Indrani and since Indrani had left the firm, the petitioner came forward with an application to update the details of the partnership firm, removing the name of Indrani and including the name of Thenmozhi together with the property that Thenmozhi offered towards solvency purposes.



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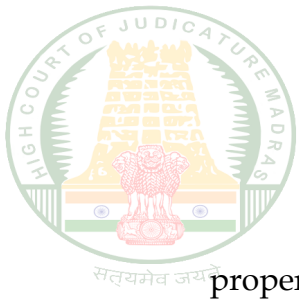
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4. The petitioner further states that in the meantime, a tender was called for by the Department of Technical Education, in which, the petitioner participated. Though the petitioner was an L1 contractor, his offer was rejected on the ground that there is a mismatch in the documents that have been provided by the firm.

5. According to the petitioner, though the application for amendment had been made as early as 09.10.2024 and followed up with other communication on 25.01.2025, no action had been initiated. Hence, the present writ petition has been filed.

6. When the writ petition came up for admission, Mr.G.Suryananth, learned Additional Government Pleader, took notice for the respondent and sought time for getting instructions.

7. Mr.G.Suryananth has produced written instructions from the respondent dated 02.04.2025, stating that Tmt.Indrani's property worth about Rupees 2.5 crores, had been given as a solvency and that Indrani had retired from the partnership. It is pleaded that between the period from 14.11.2023 (date of retirement of Indrani) till 04.09.2024, the petitioner had utilized her



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property for the purpose of substantiating its solvency. Therefore, the respondent has decided to initiate the proceedings for cancellation of the Class-IA Contractor registration of the petitioner.

8. A copy of the instructions was handed over to Mr.B.Prasanna Vinoth. He states that at no point of time, after Indrani's retirement from the firm, did the firm utilize her property as solvency for participation in the tender. He asserts that after Thenmozhi had stepped into the partnership firm, it was her property that was shown towards the solvency. In other words, the plea of Mr.B.Prasanna Vinoth was that at no point of time, did the writ petitioner utilize the property of Indrani as security after she had retired from the firm.

9. I have carefully considered the submission of both sides.

10. The point is that the petitioner wants to update the records that are available with the respondent. The fact that Indrani had retired from the partnership firm on 14.11.2023 is not disputed by either side. It is also not in dispute that Thenmozhi was admitted as a partner on or from 13.11.2023. The petitioner seeks simple updating of records with the respondent.



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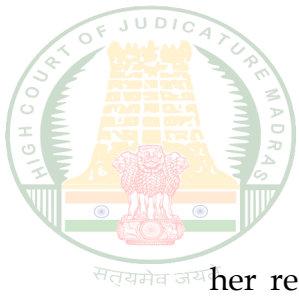
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11. When the law does not bar a person from joining as a partner and leaving the firm, or from inducting a new person as a partner, the respondent cannot refuse to update the retirement of Indrani and the induction of Thenmozhi. As Indrani had retired, necessarily her property has to be deleted from the solvency details, and as Thenmozhi is willing to offer her property as security, the same has to be incorporated.

12. When that being the position, there shall be a Mandamus to the respondent to update the records as per the application made by the petitioner on 09.10.2024 and the reminder sent by them on 25.01.2025.

13. Insofar as the enquiry for cancellation of the alleged misuse of the property of Indrani is concerned, this is a disputed issue on facts beyond the scope of the writ petition. The respondent is at liberty to proceed further and conduct an enquiry whether the petitioner had misused the property of Indrani for the purpose of solvency after her retirement. In case they come to the conclusion that there has been misuse, they are, of course, at liberty to take such action, as they desire or are empowered.

14. At the time of enquiry, the writ petitioner will certainly be entitled to produce the records to prove that he never used Indrani's property after



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her retirement, i.e., on 14.11.2023 for tenders, and he relied upon only the property of Thenmozhi, who had been inducted as a partner as early as on 13.11.2023.

15. The parties will act on the web copy of this order, and they need not wait for the certified copy of the order for the purpose of updating of the records.

16. With the above directions, this writ petition stands disposed of. No costs.

04.04.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

To

The Chief Engineer,
Public Works Department,
Trichy Region
Trichy - 620 001.



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V.LAKSHMINARAYANAN, J.

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