



W.A(MD)No.1781 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1781 of 2025
and
C.M.P(MD)No.10086 of 2025**

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

... Appellant /
Respondent

Vs.

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

... Respondent /
Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 04.04.2024 passed in W.P(MD)No.8748 of 2023 on the file of this Court and allow this Writ Appeal.

For Appellant : Mr.A.Kannan
Additional Government Pleader



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For Respondent : Mr.B.Prasanna Vinoth

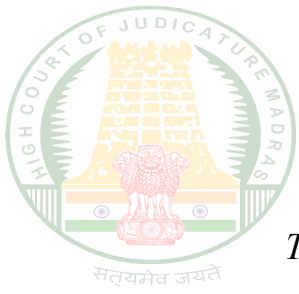
JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The department is on appeal questioning the order dated 04.04.2025 made in W.P(MD)No.8748 of 2025. The respondent herein is a registered partnership firm and they are also a Class - IA Contractor registered with the appellant department. One Indrani, wife of Vaithiyalingam was a partner in the firm. Her property had been shown for solvency purposes. Subsequently, the said Indrani had retired and one Thenmozhi had joined the partnership firm. The writ petitioner applied to the respondent to make consequential changes in their records as well as in the online portal. Since action was not taken pursuant to the said request, W.P(MD)No.8748 of 2025 was filed. The learned single Judge disposed of the writ petition in the following terms:

“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.



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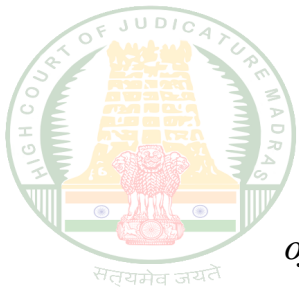
The petitioner seeks simple updating of records with the respondent.

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 her retirement, i.e., on 14.11.2023 for tenders, and he relied upon only the property



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of Thenmozhi, who had been inducted as a partner as early as on 13.11.2023.

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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.”

Aggrieved by the same, this Appeal has been filed.

3.The learned Additional Government Pleader submitted that since the application for updating / substitution was made rather belatedly, they are not sure as what had happened during the intervening period. There is substance in this apprehension. But then, this has been taken care by the learned single Judge himself in the impugned order in Paragraph 13. Liberty has been granted to the appellant to proceed as per law and conduct an enquiry also. Therefore, the appellant cannot have any grievance as such over the order of the learned single Judge.

4.This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
04.07.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To
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The Managing Director,
V Best Engineers,
Vignesh, S/o.R.K.Moorthy,
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