



W.P.(MD).No.28438 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) No.28438 of 2024 and
W.M.P(MD) No.24142 of 2024

M.Rajamanickam

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Block Development Officer (Village Panchayats),
Kariyapatti Panchayat Union,
Kariyapatti Post,
Virudhunagar District.
- 3.The Special Officer / Block
Development Officer (Village Panchayats),
Office of the V.Nangoor Village Panchayat,
V.Nangoor Post,
Kariyapatti Panchayat Union,
Virudhunagar District.
- 4.The Executive Officer Cum President,
Office of the V.Nangoor Village Panchyat,
V.Nangoor Post,
Kariyapatti Panchayat Union,
Virudhunagar District.

5.Malaiyadiyan

...Respondents



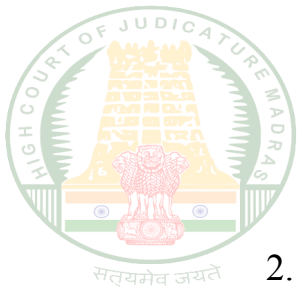
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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 4th respondent in his proceedings dated 11.11.2024 and quash the same and consequently direct the Respondents to permit the petitioner to complete the remaining works as per the work order issued by the 3rd respondent in his proceedings dated 30.08.2024 and to sanction the bill amount as claimed by the petitioner within stipulated time that may be fixed by this Court.

For Petitioner	: Mr.M.Saravanakumar
For R1, R3 and R4	: Mr.K.R.Badurus Zaman Government Advocate
For R2	: Mr.J.K.Jayaselan Government Advocate
For R5	: Mr.M.Rajendran

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent Nos.1, 3 and 4 and the learned Government Advocate appearing for the respondent No.2 and the learned counsel for the respondent No.5.

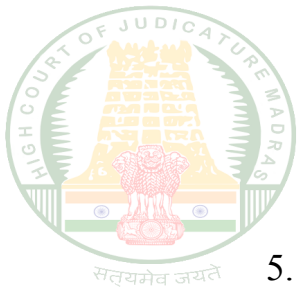


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2. The petitioner is before this Court against the impugned order of the fourth respondent, whereby the contract awarded to the petitioner pursuant to the tender floated by the third respondent as a Special Officer of the V.Nangoor Village Panchayat, has been cancelled.

3. It appears that a First Information Report has been registered against the fifth respondent, who was the President of the fourth respondent Panchayat in Crime No.20/2024 on 13.05.2024 for involvement in cheating by creating forged documents. It appears that the fifth respondent thereafter went missing and was absconding.

4. In this background, the fourth respondent / the Executive Officer of said Panchayat had addressed a letter to the District Collector on 03.06.2024. Meanwhile, the fifth respondent was arrested on 11.07.2024. Based on the representation of the Executive Officer of the said Panchayat, dated 03.06.2024, the District Collector has appointed the second respondent as a Special Officer. Accordingly, the second respondent acted as the Special Officer and has been arrayed as 3rd respondent herein.



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5. A month later, on 16.08.2024, the third respondent has floated a tender for various works, in which, the petitioner participated and he was declared as a successful bidder, pursuant to which, the work order was issued on 30.08.2024 to the petitioner. Meanwhile, the fifth respondent was granted bail by this Court in CrI.O.P(MD) No.14807 of 2024 on 11.09.2024.

6. The fifth respondent has also requested the District Collector to permit him to discharge the function as the President of the aforesaid village Panchayat. The District Collector have also passed an order and permitted the fifth respondent to discharge the function as the President of aforesaid Panchayat. Soon after, the third respondent also handed over the charges with the fifth respondent on 30.10.2024. After assuming the charge, the fifth respondent as the President/Executive Officer of the fourth respondent V.Nangoor Village panchayat has issued the impugned order terminating the contract/work order that was issued to the petitioner.

7. The specific case of the petitioner that more than 50% of the work has been completed in respect of five works for a total value of 12,76,764/- as detailed below:

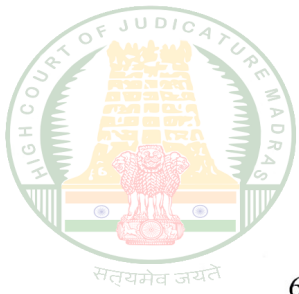


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வ.எண்	பணியின் பெயர்	மதிப்பீடு (ரூ.)
1.	வி.நாங்கவர் ஊராட்சி விட்டிலாரேந்தல் கிராமத்தில் சவுத் தல் பைப்பலைன் அமைத்தல்.	2,47,900
2.	வி.நாங்கவர் ஊராட்சி கோவில் அருகில் புதிய பேபார்வெல் அமைத்து - OHT வரை பைப்பலைன் அமைத்தல்	2,69,057
3.	வி.நாங்கவர் ஊராட்சி ஆதிதிராவிடர் காலனியில் ராமேஸ்வரன் வீடு முதல் முருகன் வீடு வரை வாறுகால் கட்டுதல்	2,69,057
4.	விட்டிலாரேந்தல் சமுதாயசலம் பராமரிப்பு செய்யும் பணி	2,91,000
5.	விட்டிலாரேந்தல் சிட்டு வீடு முதல் குருசாமி வீடு வரை பேவர் பிளாக் பதித்தல்	99,750
6.	விட்டிலாரேந்தல் சின்னமுத்து வீடு முதல் தங்கம் வீடு வரை பேவர் பிளாக் பதித்தல்	1,00,000

8. The reasons stated in the impugned order are that the petitioner was not a registered contractor and that the work contract was awarded to the petitioner without the approval of the aforesaid Panchayat. Hence, the contract awarded to the petitioner on 30.08.2024, was terminated.

9. In support of the petitioner's case, the second respondent / Block Development Officer has set out the reasons in paragraphs 6 and 7 of his counter affidavit, which read as under:



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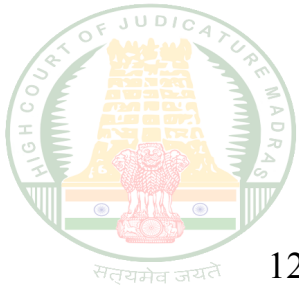
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6. I submit that the Special Officer of V. Nangoor Village Panchayat in accordance with the law called for tender to execute the emergency works in the Village Panchayat. The eligible tenderers were participated and the lowest quotation were accepted by the Special Officer awarded the Tender infavour of Writ Petitioner and on receipt of work orders, the Writ Petitioner completed one work and bills were submitted and remaining works are in progress and more particularly 50% of works were completed.

7. I submit that the 5th Respondent was released on bail on 11.09.2024 and thereafter he approached the District Collector with the request to discharge his official duties of V. Nangoor Village Panchayat. His request was accepted by the District Collector and passed an order in his Proceedings dated 25.10.2024 and thereafter the Block Development Officer (Village Panchayat) handed over the entire charges with the 5th Respondent on 30.10.2024 and the same was communicated to the 5th Respondent and communicated the same to the District Collector on 04.11.2024.

10. That apart it is submitted that the contract has been terminated without issuing notice to the petitioner.

11. On the other hand, the fifth respondent has filed a counter affidavit wherein it is stated that the third respondent issued the work order to the petitioner one day prior to his date of retirement. It is further stated that the petitioner was not an eligible contractor to whom the work ought to have been awarded.



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12. Having considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the official respondent Nos.1 to 4 and the learned counsel for the respondent No.5 and I am of the view that the cancellation of the work order issued to the petitioner was unfair and unjustifiable.

13. The decision was taken by the third respondent in his capacity as the Special Officer, appointed by the District Collector, as the fifth respondent had been arrested and was not available to discharge his functions. If there had been any irregularity in the awarding of the contract to the petitioner, it was for the fifth respondent to initiate appropriate proceedings by submitting a representation to the District Collector, seeking action against the third respondent.

14. Considering the fact that, out of the six works awarded to the petitioner, 50% of the work has been completed, there shall be a direction to the respondents to ensure that the petitioner is given adequate time to complete the works awarded on 30.08.2024. However, it is open to the fifth respondent to initiate appropriate proceedings, in the event of any shortcomings in the



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awarding of the contract to the petitioner, for taking action under the provisions of the Tamil Nadu Government Servants Conduct Rules, 1973.

15. With the above liberty, this Writ Petition stands allowed.

Consequently, connected Miscellaneous Petitions is closed. No costs.

11.07.2025

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

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C.SARAVANAN, J.

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