



WEB COPY

WP No. 11575 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 11575 of 2026

AND

WMP NO. 12625 OF 2026, WMP NO. 12623 OF 2026,

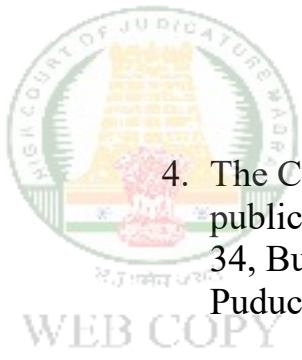
WP NO. 11579 OF 2026

Ln.L.Djagaradi Moncher
Govt.class -1, Civil contractor
Lourud Illam
Plot No.2 and 3, 1st cross
Ganapathy Nagar
Ellaipillaichavady
Puducherry-605 005

..Petitioner(s)

Vs

1. The Secretary
Rural Development
Chief secretariat office
Puducherry-1
2. The Project Director
Directorate of Rural Development
and District Rural Development Agency
1st cross st, Nellithope
Anna Nagar
Puducherry-605 005
3. The Superintending Engineer
office of Superintending Engineer(Puducherry)
Central Public works department
No.137, NSC Bose salai,
Puducherry-605 001



4. The Chief Engineer
public works department
34, Bussy st.white town
Puducherry-605 001

5. The Executive Engineer
Buildings and Roads(south)Division
Dr.Ambedkar Salai
Puducherry-605 001

..Respondent(s)

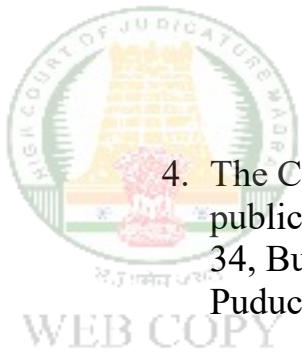
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..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to constitute Standing Empowered committee as per clause 24.3 of the conditions of the contract in Agreement No.5/PMGSY-II/PD-01-03/2021-22, to resolve the dispute raised by the petitioner within the time frame, failing which to refer the matter to a specially constituted Lok Adalat, to resolve the dispute raised by the petitioner in communication dated 18.4.2023 and 14.2.2026 in respect of Agreement NO.5/PMGSY-II/PD-01-03/2021-22 on the file of the respondent.

WP No. 11579 of 2026

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to constitute Standing Empowered committee as per clause 24.3 of the conditions of the contract in Agreement No.6/PMGSY-II/PD-01-16/2021-22, to resolve the dispute raised by the petitioner within the time frame, failing which to refer the matter to a specially constituted Lok Adalat, to resolve the dispute raised by the petitioner in communication dated 13.7.2023 and 14.2.2026 in respect of Agreement NO.6/PMGSY-II/PD-01-16/2021-22 on the file of the respondent.



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For Petitioner(s): Mr.Father Xavier Arul Raj, Sr. Counsel
for M/s.Father Xavier Associates

For Respondent(s): Mr.V.Vasanthakumar, AGP (P)

COMMON ORDER

These Writ Petitions have been filed seeking a direction to the respondents to constitute a Standing Empowered Committee as per Clause 24.3 of the conditions of the Contract in Agreement No.5/PMGSY-II/PD-01-03/2021-22 and No.6/PMGSY-II/PD-01-16/2021-22, to resolve the dispute raised by the petitioner within the time frame, failing which to refer the matter to a specially constituted Lok Adalat, to resolve the dispute raised by the petitioner in communication dated 18.4.2023, 13.07.2023 and 14.02.2026 in respect of Agreement NO.5/PMGSY-II/PD-01-03/2021-22 and No.6/PMGSY-II/PD-01-16/2021-22 respectively on the file of the respondent.

2. Heard the learned counsels appearing on either side. With the consent of both sides, the Writ Petitions are taken up for hearing at the admission stage itself.

3. The brief facts of the cases are as follows:

3.1. The petitioner is a Class-I Civil Contractor registered with the



Government of Puducherry. The PWD Department floated tenders for improvement to the road from Padugu Chetti Channel road from Embalam to Uruvaiyar and Pathukannu to Ulavaikkal; and Pudukadai State Border Embalam Junction Via Karikalampakkam, Emablam, Nathamdu under the Pradhan Mantri Gram Sadak Yojana Phase II Scheme which have to be completed within 6 months i.e., from 17.03.2022 to 16.09.2022 and the petitioner was the successful bidder for a sum of Rs.3,19,31,951/- & Rs.4,40,47,200/- which were confirmed by the third respondent and the orders were issued on 15.03.2022 wherein the site was handed over to the petitioner only on 27.06.2022 instead of 17.03.2022 and diversion of traffic permission was given only on 16.09.2022 and therefore, the work was completed by the petitioner only on 29.03.2023 & 25.03.2023 for which completion certificate was issued by the third respondent on 23.06.2023 respectively. Due to the delay in completion and handing over the sites, labour expenditures, bitumen, other construction materials escalated the contract price and the petitioner raised the claims on 18.04.2023, 13.07.2023 and 14.02.2026 to settle all the disputed claims and claimed a sum of Rs.1,10,84,516/- & Rs.86,83,605/- respectively. Though the authorities admitted the context of the petitioner vide letters dated 01.09.2023, 08.09.2023 & 13.09.2023, they failed to disclose the actual position of the disputes and the petitioner addressed to the third respondent to settle the dispute through constitution of Empowered Standing Committee as per Clause 24 of the Agreement within 45 days for which the respondent replied that the same being



constituted, however no progress. Again the petitioner made a request for the same on 30.01.2024 and the third respondent vide letter dated 20.02.2024, stated that the dispute will be sorted out once the said Committee is constituted. Since there was no progress in the said issue, the petitioner has come forward with the present Writ Petition.

4. The learned Senior counsel for the petitioner submitted that the respondents themselves have handed over the sites belatedly to the petitioner and due to administrative delay in getting traffic diversion permission, the works were completed beyond the scheduled time and due to which, the price of the said contract works were escalated due to labour, bitumen and other construction materials and as per the Clause 24 of the Agreement, the petitioner has raised the disputes to settle the disputed claim which are to the tune of Rs.1,10,84,516/- & Rs.86,83,605/- and made several representations to the respondents in this regard, however since there was no progressive move for the constitution of the Standing Empowered Committee to settle the disputed claims, the petitioner has come forward with the present Writ Petitions.

5. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submitted that the Standing Empowered Committee will be constituted by the respondents soon and the disputes raised by the petitioner will be settled.



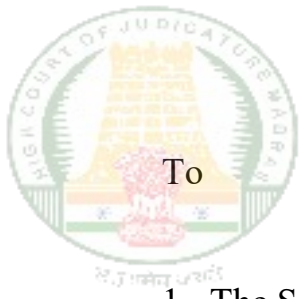
6. Considering the facts and circumstances of the case and also taking into consideration of the submissions of the respective learned counsels, this Court directs the respondents to constitute the Standing Empowered Committee within a period of six weeks from the date of receipt of a copy of this order and on constitution of the same, the Committee is directed to adjudicate the disputes raised by the petitioner and to pass appropriate orders in accordance with law, within a period of 12 weeks therefrom.

7. With the above directions, the Writ Petitions are disposed of. Consequently, connected Miscellaneous Petition(s) is/are closed. There shall be no order as to costs.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DP



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