



WEB COPY

WP No. 33494 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

WP No. 33494 of 2024

Coimbatore Corporation Contractors,
Welfare Association,
Registration No. 81/2012,
A7-sundaresa Iyer Layout,
Trichy Road, Coimbatore -641 018,
Rep. by Its President, R.Udayakumar.

Petitioner

Vs

1. State of Tamil Nadu Rep. by its,
Principal Secretary to Government,
Highways and Minor Port Department,
Secretariat, Chennai -600 009.

2.The Chief Engineer (H),
Construction and Maintenance,
Guindy, Chennai -600 025.

Respondents

PRAYER Writ Petition has been filed under Section 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed in Lr.no. 15609/Contracts 3/C and M-2022 dated 23.02.2023 on the file of the 2nd respondent quash the same and direct the respondents to reconsider the representation of the petitioner dated 06.09.2022 and to reimburse the cost for Additional Tests/Inspections on Government Institutes and Additional third party Tests/Inspections which were incurred and are being continually incurred by the members of the petitioner association with interest for the works executed by them in the Highways Department as per Clause 106.06(6) of Preliminary Specifications to standard Specifications to Road and Bridges of Tamil Nadu Highways manual(in short Clause 106.06(6) PS to SSRB)



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For Petitioner(s): Mr.V.Elangovan

For Respondent(s): Mrr.Yogesh Kannadasah,
Special Government Pleader

ORDER

This writ petition has been filed to quash the order passed in Lr.no.15609/Contracts 3/C and M-2022 dated 23.02.2023 on the file of the 2nd respondent and direct the respondents to reconsider the representation of the petitioner dated 06.09.2022 and to reimburse the cost for Additional Tests / Inspections on Government Institutes and Additional third party Tests / Inspections which were incurred and are being continually incurred by the members of the petitioner association with interest for the works executed by them in the Highways Department as per Clause 106.06(6) of Preliminary Specifications to standard Specifications to Road and Bridges of Tamil Nadu Highways manual (in short Clause 106.06(6) PS to SSRB).

2. The brief facts of the case are that the petitioner being an association requested the 1st respondent to reimburse testing charges incurred by the contractors for the works executed by them in the Highways Department on 02.01.2021. Since no order was passed, the petitioner filed W.P.No.10950 of 2021 and this Court vide orders, dated 21.07.2022, had directed the petitioner association to submit a fresh representation to the respondent requesting for reimbursement of the testing charges incurred by their members within a period



of one week and on receipt of the same, the respondents were directed to pass orders on the said representation within twelve weeks thereafter. Pursuant to the same, the 2nd respondent passed the impugned order, dated 23.02.2023 on the representation dated 06.09.2022, rejecting the request of the petitioner association to reimburse the test charges incurred by its members in the work contracts executed by the Tamil Nadu Highways Department. Aggrieved over the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. A mere reading of the impugned order would indicate that the 2nd respondent has only considered clause 106.06 of the Preliminary Specifications to Standard Specifications to Roads and Bridges (PS to SSRB) and has totally ignored the petitioner's representation. In W.P.No.19050 of 2021 filed by the petitioner, this Court by an order dated 21.07.2022 had directed the respondents to consider the representation with regard to reimbursing the testing charges incurred by the members of the Association. The relief of reimbursement was sought for only on the ground that cost of materials consumed for the tests which fall under Clause 106.06 has to be borne by the Department and this forms the basis for the earlier writ petition. However, the impugned order has neither referred to the same nor the respondents have given any reason for not



considering the same. Therefore, the impugned order cannot be sustained and the same is liable to be set aside.

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5. Accordingly, this writ petition stands disposed of with the following direction:

- i. The impugned order passed by the second respondent, dated 23.02.2023 is set aside;
- ii. The matter is remitted back to the 2nd respondent for considering the fact that the second respondent has not taken into consideration clause as per Clause 106.06(6) of Preliminary Specifications to standard Specifications to Road and Bridges of Tamil Nadu Highways manual and simply extracted the said clause.
- iii. The 2nd respondent shall issue fresh notice to the petitioner and the interested parties and reconsider the representation of the petitioner dated 06.09.2022 and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

27-01-2026

vum

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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To

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