

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Third day of July Two Thousand and Twenty Three

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

WP (MD) No.13766 of 2023

A.MANOHARAN

... PETITIONER

Vs

1 THE DISTRICT COLLECTOR
COLLECTORATE, TIRUNELVELI.

2 THE BLOCK DEVELOPMENT OFFICER (BLOCK PANCHAYAT),
O/O.THE BLOCK DEVELOPMENT OFFICER,
MANNUR, MANNUR TALUK,
TIRUNELVELI DISTRICT.

3 THE PROJECT OFFICER
DISTRICT RURAL DEVELOPMENT AGENCY (DRDA),
COLLECTRATE CAMPUS, TIRUNELVELI.

4 THE EXECUTIVE ENGINEER
DISTRICT RURAL DEVELOPMENT AGENCY (DRDA),
COLLECTRATE CAMPUS, TIRUNELVELI.

... RESPONDENTS

(*) 5 **M.SUBBULAKSHMI**
W/O.A.MUTHUKUMARASAMY,
NO.3/283-B, V.O.C.NAGER,
SUTHAMALLI, TIRUNELVELI TALUK,
TIRUNELVELI.

... 5th RESPONDENT

(*) 6 **AHAMED NIZATH**
S/o.SHEIK MOHAMED,
NO.1530, HOUSING BOARD COLONY,
MELATHALAIYUTHU,
SANGAR NAGER, TIRUNELVELI.

... 6th RESPONDENT

(*) R5 & R6 IS IMPEADED AS PER ORDER
OF THIS HON'BLE COURT DATED
03/07/2023 IN WMP (MD) .13031 &
13033/2023 IN WP (MD) .13766/2023.



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order in Na.Ka. No.A2/4225/2022 dated 16.05.2023 on the file of the Respondent No.2 and quash the same as illegal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.RAJASEKAR, Advocate for M/S.LAJAPATHI ROY AND ASSOCIATES, for the petitioner and of Additional Advocate General on behalf of the Respondents and Mr.AAYIRAM.K.SELVAKUMAR, Advocate for the 5th Respondent and Mr.RAJA.KARTHIKEYAN, Advocate for the 6th Respondent, the court made the following order:-

The petitioner was awarded with a contract to construct a school building on 08.02.2023 and on the same day, work order was also issued to him. A notice was issued to the petitioner that the petitioner has left the pit which was dug for basement works unattended and it may endanger the children, who are studying in the adjacent building. Thereafter, subsequent notices were issued on 06.03.2023 and on 28.03.2023 directing the petitioner to produce the statement regarding the progress in the building. Thereafter, by the order impugned in this writ petition, the contract awarded to this petitioner was cancelled.

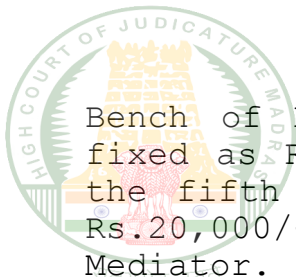
2.Learned Counsel appearing for the petitioner submitted that without providing an opportunity and without issuing any show cause notice, the contract awarded to this petitioner was cancelled.

3.Learned Additional Advocate General appearing for the official respondents submitted that the building sought to be constructed is for class rooms meant for children and it has to be completed in a time bound manner. This petitioner has not shown any progress and therefore, after issuing notices, action was taken. He further submitted that after cancelling the contract, fresh tender was floated and the private respondents herein were selected as the successful bidders.

4.Learned Counsel appearing for the newly impleaded private respondents submitted that the contract was awarded to them and the work order was issued on 02.06.2023. They further claimed that they have completed 25% of the work, which is disputed by the petitioner's Counsel that it was completed by the petitioner.

5.Considering the issue involved and also at the request of all the parties, this Court refers this matter to the Mediation and Conciliation Centre attached to this Bench. This Court appoints

<https://www.judiciary.gov.in/> Mr.K.K.Kannan [Enrol.No.94/1995], Chamber No.122, Madurai



Bench of Madras High Court, as Mediator and his remuneration is fixed as Rs.60,000/- [Rupees Sixty Thousand only]. The petitioner, the fifth respondent and the sixth respondent shall pay a sum of Rs.20,000/- [Rupees Twenty Thousand only] each to the learned Mediator.

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6.The parties shall appear before the learned Mediator on 06.07.2023 and shall co-operate for the mediation.

7.Post the matter before this Court on **14.07.2023**, along with the mediation report. Till such time, the parties are directed to maintain *status-quo*, as on date.

sd/-

03/07/2023

/ TRUE COPY /

05/07/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GK

TO

- 1 THE DISTRICT COLLECTOR
COLLECTORATE, TIRUNELVELI.
- 2 THE BLOCK DEVELOPMENT OFFICER (BLOCK PANCHAYAT),
O/O.THE BLOCK DEVELOPMENT OFFICER,
MANNUR, MANNUR TALUK,
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- 3 THE PROJECT OFFICER
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COLLECTRATE CAMPUS, TIRUNELVELI.
- 4 THE EXECUTIVE ENGINEER
DISTRICT RURAL DEVELOPMENT AGENCY (DRDA),
COLLECTRATE CAMPUS, TIRUNELVELI.

COPY TO:

- 1 THE CO-ORDINATOR
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. **(SOFT COPY)**
- 2 MR.K.K.KANNAN [ENROL.NO.94/1995],
ADVOCATE/MEDIATOR,
CHAMBER NO.122,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

WP(MD) No.13766 of 2023

Date :03/07/2023

SA/VR/SAR. /05.07.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>