

**(2011) 07 MAD CK 0265**

**Madras High Court (Madurai Bench)**

**Case No:** Writ Petition (MD) No. 4740 of 2008 and M.P. (MD) No's. 1 and 2 of 2008

Jai Sri Enterprises

APPELLANT

Vs

The Tamil Ndu Adi Dravidar  
Housing and Development  
Corporation Ltd. and Thir. P.  
Chellapandiyan The Executive  
Engineer (In-charge) TADCO

RESPONDENT

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**Date of Decision:** July 11, 2011

**Hon'ble Judges:** Vinod K. Sharma, J

**Bench:** Single Bench

**Advocate:** Veera Kathiravan, for the Appellant; S. Bharathi, Government Advocate for 1st Respondent, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

@JUDGMENTTAG-ORDER

Vinod K. Sharma, J.

The prayer made in the writ petition, is to direct the 1st Respondent to appoint some other officer to perform the functions of Executive Engineer, TADCO, Trichy, as check measuring authority, for the performance of contract executed in favour of the Petitioner.

2. In support of the prayer, it is pleaded that the 2nd Respondent had demanded bribe from the Petitioner. This Court, vide order, dated 07.03.2011 directed the first Respondent to place on record, the action taken against the 2nd Respondent, in pursuance to the complaint made by the Petitioner.

3. In response to the notice issued by this Court, it was informed, that on the complaint of the Petitioner, the 2nd Respondent was reverted to the post of Assistant Engineer.

4. The order of the reversion is challenged by the 2nd Respondent in this Court, by way of W.P. No. 12325 of 2010.
5. In view of the order passed by this Court, the 2nd Respondent was again promoted as Executive Engineer, however, department enquiry is pending against him.
6. In view of admitted facts, this Court cannot direct the Respondent to appoint an officer of choice of Petitioner to oversee the contract. It is for the employer to depute an officer working under it.
7. In case, there is any dispute with regard to measurement etc., with the work executed by the Petitioner, it can always avail civil remedy and claimed damages/ other compensation in accordance with law. This Court in exercise of writ jurisdiction cannot go into facts, which are required to be proved by leading evidence.
8. As regards, the question of taking action against the 2nd Respondent is concerned, the Department has already initiated proceedings and, No. further directions are called for.
9. This writ petition accordingly is ordered to be dismissed with liberty to the Petitioner to claim damages etc., in accordance with law.
10. Consequently, connected Miscellaneous Petitions are closed. No. costs.