

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 11201 of 2015

Zahir Service Centre,
rep. By its Proprietor,
Mr.A.C. Zahir Hussain,
having office at 14-C,
Dams Road,
Anna Salai,
Chennai - 600 002. ...Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. The Joint Commissioner
(Health & Education)
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
3. The Health Officer,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to forthwith settle the amount of Rs. 15,08,747/- (Rupees Fifteen lakhs Eight Thousand Seven Hundred and Forty Seven only) payable to the petitioner together with interest at the rate of 24% per annum.

For Petitioner :: Mr.K. Raja

For Respondents:: Mr.P.V. Selvakumar

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal.

2. The petitioner states that he is the proprietor of M/s. Zahir Service Centre, carrying on repairing and servicing of imported machines designed for special works and fog generators for insect control. In the year 2004, the petitioner was awarded 5 years contract for repair and maintenance of 10 numbers of Leco Fog Machines by the respondents through open tender vide order dated 26.11.2004. Pursuant to the said order, the petitioner carried out repairs and maintenance as per the contract for 2 ½ years from December 2004 to May 2007. While so, the said contract was cancelled vide order dated 27.07.2007 and challenging the same, the petitioner filed W.P. No. 11819 of 2008 before this Court. By order dated 26.08.2008, the cancellation order was set aside and liberty was given to pass orders afresh after giving an opportunity to the petitioner. Thereafter, though several representations were made by the petitioner, the respondents neither permitted him to do repairing and servicing work nor passed any orders in compliance with the order passed by this Court in the aforesaid writ petition. Finally, a legal notice was issued on 01.10.2014 for compliance of the order passed by this Court in W.P. No. 11819 of 2008 dated 26.08.2008 for which the 1st respondent passed an order on 02.12.2014 confirming the earlier order of cancellation. Though the petitioner did not make any challenge to the said order of cancellation, he submitted a representation dated 10.01.2015 to the respondents to pay the bill amount of Rs.15,08,747/- for carrying out the repair and maintenance work from December, 2004 to May, 2007, as the five year contract period already came to an end and the petitioner was interested in getting the amount due to him. The grievance of the petitioner is that the said representation has not been favoured with any response by the respondents even after expiry of four months. Hence, he has come forward with the present writ petition.

3. Heard Mr.K. Raja, learned counsel for the petitioner and Mr.P.V. Selvakumar, who accepts notice on behalf of the respondents.

4. Though the petitioner has prayed for a larger relief, this Court, in the facts and circumstances of the case, is of the view that it is suffice to direct the 1st respondent to consider and dispose of the representation of the petitioner dated 10.01.2015, within a stipulated time.

5. In the result, the writ petition is disposed of directing the 1st respondent to consider and dispose of the representation of the petitioner dated 10.01.2015, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.
2. The Joint Commissioner
(Health & Education)
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
3. The Health Officer,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

+1 cc to Mr.K.Raja, Advocate, SR.21210.

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W.P. No. 11201 of 2015

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