

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8123 of 2015

M/s.Sri Shakthi Constructions,
A Partnership firm,
rep by its Managing Partner
S.Sakthivel

...Petitioner

Vs.

1. The Chief Engineer
Public Works Department
Water Resources Organisation
Chennai Region
Chennai - 600 005.

2. The Superintending Engineer
Public Works Department
Water Resources Organisation,
Upper Pennaiyar Basin Circle,
Thiruvannamalai - 606 603.

3. The Executive Engineer,
Public Works Department
Upper Pennaiyar Basin Circle,
Dharmapuri - 636 705

...Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse a sum of Rs.12,23,172/- to the petitioner based on his representations dated 11.04.2012, 03.09.2012 and 31.07.2014 within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Bharath Kumar
For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents.

2.Petitioner has filed this writ petition to direct the respondents to disburse a sum of Rs.12,23,172/- to the petitioner based on his representations dated 11.04.2012, 03.09.2012 and 31.07.2014 within the time to be stipulated by this Hon'ble Court.

3.According to the petitioner, he was awarded a contract for development of Anaicut under the NADP scheme. The petitioner would admit that the contract was terminated on 10.03.2010 and according to the petitioner, he is entitled to a sum of Rs.12,23,172/- being the amount payable to the petitioner for the work.

4.It is seen that the petitioner did not challenge the termination of the contract and the termination was at the risk and cost of the petitioner. The petitioner would state that till date, the petitioner was not informed as to why the amount claimed by him could not be paid to him and no other particulars have been furnished to the petitioner. Therefore, the petitioner submitted several representations and one of such representation is dated 11.04.2012. Even thereafter, he has given several reminders and till date, the petitioner has not been informed about the exact state of affairs. Therefore, the petitioner is before this Court.

5.In the light of the above, there will be a direction to the second respondent to consider the petitioner's representation dated 11.04.2012 and inform the petitioner in writing within a period of two weeks from the date of receipt of a copy of this order as to why the amount claimed by the petitioner should not be returned and as to the nature of proceedings initiated by the Department after the order of termination dated 10.03.2010. The above information shall be furnished to the petitioner within the time stipulated so as to enable the petitioner to work out his remedy in the manner known to law.

6.The writ petition is disposed of with the above observations.
No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

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Water Resources Organisation
Chennai Region
Chennai - 600 005.
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Upper Pennaiyar Basin Circle,
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3. The Executive Engineer,
Public Works Department
Upper Pennaiyar Basin Circle,
Dharmapuri - 636 705

1 CC to Mr.R.Bharath Kumar, Advocate SR.No. 16191

1 CC to the Government Pleader, SR.No. 16366

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AK (CO)
PSI (06.04.2015)

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