

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos.28398 and 28399 of 2012

C.Gurusamy

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Petitioner
in both writ petitions

Vs.

The Executive Engineer,
Tamil nadu Water and Drainage Board,
N.R.A.P.Division,
No.71, Poonkundranar Street,
Karungalpalayam, Erode - 3.

Respondent
in both writ petitions

PRAYER IN W.P.No.28398/2015: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to direct the respondent to disburse and settle the entire balance bill amount of Rs.4,53,655/- due to the petitioner with 18% interest p.a. from the date of completion i.e. 15.02.2005 for the work "NRAP - Abatment of Pollution in River Cauvery-Erode Stretch construction raised pointing with cement mortar with dry fly ash of Mettur Termal Power Plant, 20 mm thick in R.R.Masonry Structure inside and outside of wall upto foundation level for Perumpallam Odai STP within a time limit.

PRAYER IN W.P.No.28399/2015: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to direct the respondent to disburse and settle the entire balance bill amount of Rs.2,23,942/- due to the petitioner with 18% interest p.a. from the date of completion i.e. 31.10.2005 for the work "NRAP - Abatment of Pollution in River Cauvery-Erode Stretch construction of leading Channel in R.R.Masonry using dry fly ash for treated effluent from outlet chamber of STP to existing natural drain at Lakkapuram, within a time limit.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : No Appearance

COMMON ORDER

Despite the fact that the matter was adjourned on the failure of the counsel for the respondent to appear, even today there is no representation for the respondent and hence, a common order is passed on merit.

2. It is seen that an agreement was entered between the petitioner and the respondent for NRAP scheme for the purpose of abatement of pollution in River Cauvery, Erode stretch, by providing raised pointing with cement mortar with dry fly ash of Mettur Thermal Power Plant. Pursuant to the same, the petitioner has completed his work. It is seen from a communication dated 29.12.2010 of the respondent that in view of the objection raised by the public, no progress has been made and therefore, based upon the final decision, the petitioner would be paid the remaining amount. A memo dated 03.06.2014 filed by the respondent indicates that the amounts of Rs.1,04,051/- and Rs.1,25,045/- are payable to the petitioner, after deduction.

3. Thus, the said amounts cannot be denied to the petitioner when he has completed his part of the contract even as per the information given by the respondent under the Right to Information Act on 29.12.2010. Accordingly, the writ petitions stand ordered directing the respondent to pay the above said amounts to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CO)
dt:15/10/2015

True Copy

Sub-Assistant Registrar

rkm
To

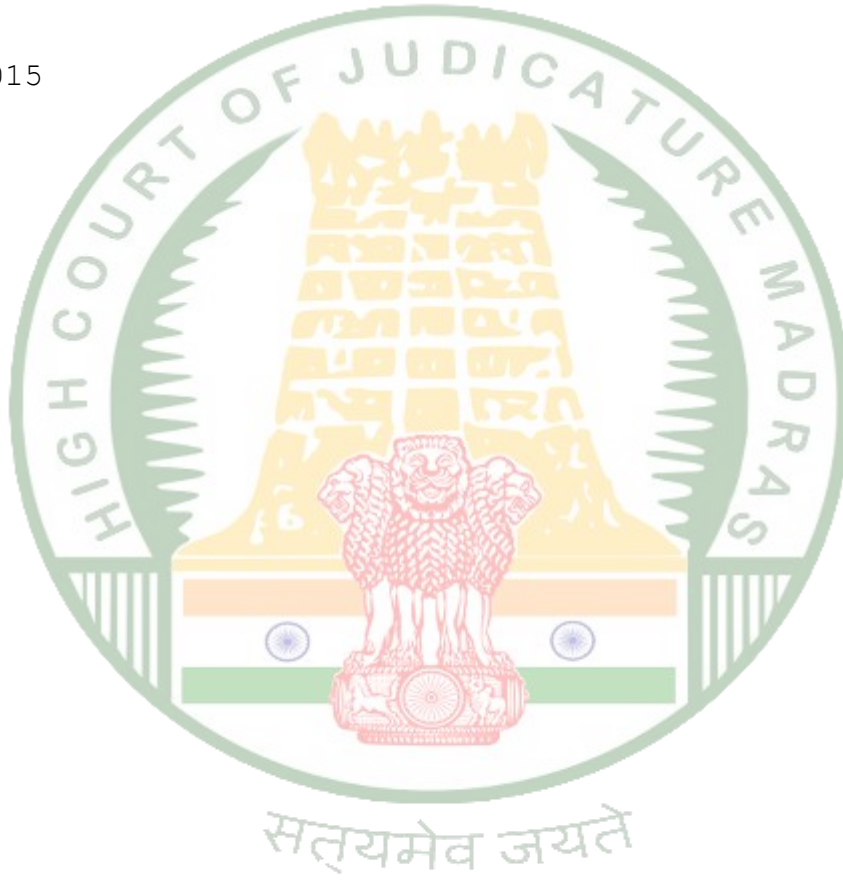
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+1 cc to Mr.S.Thamizharasi Advocate sr.55058
+1 cc to Mr.A.Thiyagarajan Advocate sr.54805

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