



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.04.2015

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THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

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W.P(MD) .No.16377 of 2014

R.Nioxon Alvin ... Petitioner
Vs

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Assistant Director,
Directorate of Town Panchayat,
Tirunelveli,Tirunelveli District.

3.The Block Development Officer,
Valliyoor,
Tirunelveli District. [Respondents]

This Writ Petition has been filed under Article 226 of the Constitution of India, praying for an issuance of a WRIT OF MANDAMUS directing the respondents to disburse the withheld amount of Rs.1,09,302/- and the National Savings Certificate worth about Rs.95,000/- to the petitioner.

For petitioner : Mr.R.J.Karthick for
Mr.M.Saravanan

For R.1&2 : Mr.N.S.Karthikeyan
Additional Government Pleader

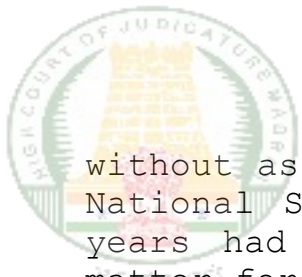
For R.3 : Mr.Chandrasekar
Government Advocate

ORDER

The petitioner is a Class I registered contractor of Public Works Department. A contract was awarded to him by the third respondent. After the completion of the contract, he was also paid the contract amount. But, a sum of Rs.1,09,302/- was withheld along with the National Savings Certificate worth about Rs.95,000/- belonging to the petitioner. He has sought the said amount through his representations dated 06.08.2012 and 29.03.2014. But, nothing fructified. His attempts to get under the Right to Information Act right from the year 2013 also did not yield the desired results. Hence, he has come forward with this Writ Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The grievance of the petitioner is that having completed the contract as per the agreement, the respondents,



without assigning any reason, is withholding the amount as well as National Savings Certificate of the petitioner. More than seven years had elapsed. Still, the respondents are dragging on the matter for some reason or the other.

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3. When the matter is taken-up for hearing, the learned Government Advocate for the third respondent would submit that there is a discrepancy in the earlier order, through which an excess amount has been paid to the petitioner. For the said reason, the amount pertaining to the petitioner was withheld. Further, he would submit that rectification order is going to be passed by the respondents within a period of two weeks from the date of receipt of a copy of this order. However, the third respondent agrees to undertake to return the sum, after deducting the amount, if any, to the petitioner. Insofar as National Savings Certificate, the respondents have no objection in returning the same to the petitioner.

4. In view of the above, the second respondent is directed to refund the withheld amount less deductions if any, within a period of two weeks from the date of receipt of a copy of this order. It is also directed that the National Savings Certificate in original shall be returned to the petitioner forthwith.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Tirunelveli District, Tirunelveli.
 - 2.The Assistant Director,
Directorate of Town Panchayat,
Tirunelveli,Tirunelveli District.
 - 3.The Block Development Officer,
Valliyoor,Tirunelveli District.
- +1cc to Mr.M.Saravanan,Advocate Sr.No.23244
+1cc to Spl.Government Pleader Sr.No. 247005
ssm
AA/20.05.2015/2p -6c/

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