



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.18223 of 2015

M.M.Cleteus

...Petitioner

Vs.

1.The Director of Municipal Administration,
Cheupak, Chennai.

2.The Regional Director of Municipal Administration,
Palayamkottai, Tirunelveli District.

3.The Commissioner,
Nagercoil Municipality,
Kanyakumari District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the third respondent to disburse the final amount of Rs.8,59,597/- with interest for executing the work of improvement of cement concrete pavement of Anna Bus Stand, Nagercoil, Kanyakumari District, based on the petitioner's representation, dated 08.09.2015.

For petitioner : Mr.F.Deepak

For R-1 & R-2 : Mr.K.Guru,

Additional Government Pleader takes notice

For R-3 : Mr.Aadhimoolapandian takes notice

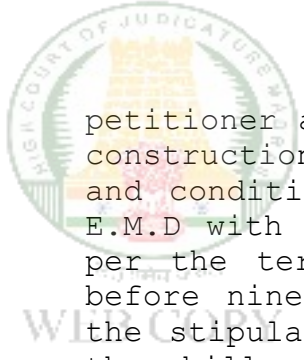
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the third respondent to disburse the final amount of Rs.8,59,597/- with interest for executing the work of improvement of cement concrete pavement of Anna Bus Stand, Nagercoil, Kanyakumari District, based on the petitioner's representation, dated 08.09.2015 within a stipulated time.

2. Mr.K.Guru, learned Additional Government Pleader takes notice for R-1 and R-2 and Mr.Aathimoolapandian, learned counsel takes notice for the third respondent.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the petitioner is a Government Class I Contractor doing various civil contract works for various governmental and non-governmental organization. The petitioner had also done some works for the respondent municipality. While so, the respondent municipality had invited tenders for improvement and concrete pavement of Anna Bus Stand at Nagercoil, Kanyakumari District on 27.08.2010 and in which, the petitioner was the successful bidder and accordingly, an agreement was executed on 03.11.2010 between the



petitioner and the third respondent municipality. The estimated value of construction of the said work was Rs.1,29,00,000/-. As per the terms and conditions of the tender notice, the petitioner had deposited the E.M.D with the third respondent in respect of the above said work. As per the terms and conditions, the petitioner has to complete the work before nine months. The petitioner had also completed the work within the stipulated time and from time to time, the petitioner had produced the bills for the works completed for finalisation by the third respondent. But even after completion of the work on 15.10.2011, the third respondent did not make final payment of Rs.8,59,597/- to the petitioner. Hence, the petitioner has made a representation to the third respondent on several occasions. But, there was no response from the third respondent. Finally, in this regard, on 08.09.2015 the petitioner had made another representation to the third respondent. But the same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relied.

5. Considering the submissions made by the learned counsel for the petitioner, this Court is constrained to pass the following order:

Without going into the merits of the averments made in the Writ Petition, the third respondent is directed to consider the representation of the petitioner, dated 08.09.2015 and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the third respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Director of Municipal Administration,
Cheupak, Chennai.
- 2.The Regional Director of Municipal Administration,
Palayamkottai, Tirunelveli District.
- 3.The Commissioner,
Nagercoil Municipality, Kanyakumari District.

+1cc to Mr.F.Deepak, Advocate SR.No.59868

W.P (MD) .No.18223 of 2015
08.10.2015