

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37238 of 2012

ORDER:

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This writ petition is filed to direct the respondents to pay the admitted bills in respect of the works executed by the petitioner i.e. construction of Community Hall near Anjaneya Temple at Bheemini Village and Mandal under Member of Parliament Local Area Development (MPLAD) Scheme for the year 2009-2010 with interest at the rate of 9% per annum.

The case of the petitioner is that Mandal Bheemini, Adilabad District falls within the Parliamentary Constituency of Peddapalli, Karimnagar District. Under the MPLAD Scheme, the scheme allows each Member of Parliament to undertake development works in their constituencies. The said scheme began with an initial grant of Rs.50.00 lakhs per a Member of Parliament and later on increased. The Member of Parliament, Peddapalli has recommended for construction of Community Hall near Anjaneya Temple at Bheemini Village and Mandal and for laying internal roads and for construction of side drains at Chennapur within the local limits of Grampanchayat, Laxmipur Village, Bheemini Mandal, Adilabad District for sanction under the said scheme during the year 2009-2010 to the 3rd respondent.

It is further stated that the 3rd respondent issued proceedings according administrative sanction for Rs.7.00 lakhs for the above mentioned works i.e. an amount of Rs.5.00 lakhs for construction of community hall and Rs.2.00 lakhs for laying internal roads and for construction of side drains at Chennapur Village as stated above and further ordered for release of 50% of amount by way of an advance for the above sanctioned works vide his proceedings NO.R5/267/2009 dated 08-12-2009. In the said letter, the 3rd respondent directed the implementing Agency/Mandal Parishad Development Officer i.e. 6th respondent to commence the said sanctioned works.

It is further stated that estimations were prepared for the said works and after technical sanction by the concerned, the 6th respondent had issued proceedings vide Procs.No.M1/MPLAD/2010, dated 13-11-2010 entrusting the work of community hall near Anjaneya Temple at Bheemini Village and Mandal in favour of the petitioner. Thereafter, the petitioner had also entered into an agreement with the implementing agency on 13-11-2010 and commenced the construction work as per the terms and conditions of the agreement. After completion of basement work and after raising the pillars to 8 feet in height, the same was check measured by the concerned engineering Department officials, who in turn, prepared the Measurement Book and bill prepared to a tune of Rs.2,03,000/- for making payment to the extent of work done by the petitioner. The petitioner submitted progress report by the concerned official and approached the 2nd respondent for payment of bill amount. As no payment was made thereunder, the petitioner made a representation on 19-02-2011 to the District Incharge Minister, Adilabad and also to the District Collector, Adilabad on 21-02-2011 requesting them to direct the concerned authorities for release of amount of Rs.2,03,000/- to the extent of work done by the petitioner.

It is further stated that the 4th respondent issued memo to the 6th respondent instructing him to submit a detailed report in the matter vide letter No.P1/273/2011, dated 07-03-2011 and as no amount was paid, the petitioner made several representations on 14-03-2011, 01-08-2011 and 10-08-2011 respectively besides submitting another representation to the 5th respondent on 10-11-2011 requesting for payment of the amount. As no action has been taken, the present writ petition is filed.

Counter is filed by the 6th respondent admitting that sanction was granted under MPLAD scheme for Rs.7.00 lakhs vide proceedings No.R5/267/2009, dated 08-12-2009 in terms of the letter dated 18-11-2009 by the Member of Parliament, Peddapally for construction of community hall near Anjaneya Swamy Temple at Bheemini and also for laying of internal

roads and for construction of side drains at Chennapur village and he also admitted that the work was entrusted to the petitioner and the petitioner entered into an agreement on 13-11-2010 itself and the petitioner has completed Rs.2,17,965/- worth of work out of above amount. While things stood thus, then incharge Mandal Parishad Development Officer during period from 13-09-2009 to 10-02-2011 misused the Mandal Parishad funds as well as MPLAD funds and other funds and he was placed under suspension vide proceedings dated 10-02-2011 and charges were also framed. Basing on the representation made by the petitioner, a letter was addressed to the Project Director, DRDA, Adilabad for release of Rs.2,50,000/- as special case and the same is pending with the Project Director, DRDA, Adilabad. If the amount is released, the same will be paid to the petitioner and all the files were transferred to the Chief Planning Officer, Adilabad i.e. 8th respondent.

Heard learned counsel for the petitioner and learned Government Pleader for Panchayat Raj and Sri G.Narender Reddy for respondents.

In this case, it is to be seen that work was sanctioned by the District Collector and the Chairman, DRDA, work was also entrusted to the petitioner by entering into agreement with the petitioner. It is also admitted that the work executed by the petitioner to the extent of Rs.2,17,965/- and it is stated that the same is under consideration with the Chief Planning Officer who is impleaded in the writ petition as 8th respondent. Entrustment of work and execution of work of by the petitioner as stated earlier is not in dispute. Merely on the ground that some enquiry is pending against some officer, the amounts of the petitioner cannot be withheld. More so, inspite of works executed to the petitioner in the year 2010, there are no justifiable grounds given in the counter for denying the amount to the petitioner except saying that one of the officer misappropriated the funds. Since the facts are not in dispute, this Court is of the view that the 8th respondent to whom the files were transferred is directed to make payments to the petitioner in respect of work executed by him within a period of eight weeks from the date of

receipt of copy of the order.

Accordingly, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY,J

09-10-2015
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