

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.23792 of 2006

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ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the action of the respondents in not paying the petitioner's bills vide Invoice No.26, dated 03-08-2005 and Invoice No.32, dated 04-09-2005 as illegal and arbitrary and consequently direct the respondents to pay the work bills vide Invoice No.26, dated 03-08-2005 and Invoice No.32, dated 04-09-2005 with interest at 24% per annum.

2. Sri Kuriti Bhaskara Rao, the learned counsel for the petitioner, submits that even though a representation was made by the petitioner on 03-08-2005 to the 2nd respondent herein for the works executed by the petitioner herein, the said representation was not considered by the 2nd respondent herein till date. It is further submitted by the learned counsel for the petitioner that not only the bills were settled, but also being that area is under the control of naxalites, the entire vehicles and other machineries of the petitioner were also damaged. It is further submitted that it is the duty of the Government to protect the interests of the petitioner, since the said area is controlled by the naxalites. Further, it is the grievance of the petitioner that even though the request was made by the petitioner on 03-08-2005, the 2nd respondent herein has not given any reply either accepting his claim or rejecting his claim.

3. Having heard the learned counsel on either side and perused the material available on record, this Court is of the view that the attitude of the 2nd respondent necessarily cause prejudice to the petitioner herein. Hence, the Writ Petition is disposed of with the following

directions :

4. The 2nd respondent herein is directed to consider the representation of the petitioner dated 03-08-2005 and inform the petitioner the decision taken by him on the basis of the representation within a period of one month from the date of receipt of a copy of this order. The petitioner is also directed to communicate the order of this Court along with the earlier representation and also the relevant material to substantiate his claim.

5. The Writ Petition is accordingly disposed of. No order as to costs.

6. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

30th March, 2015

skmr