

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.12516 to 12521 of 2014

S.Thangavel .. Petitioner in W.P.No.12516 of 2014

M/s.Sri Kaaviya Constructions,
Rep. by its Partner B.G.Muniappan
3/328, Sengan Thottam,
Oothapadi (PO),
Bhavani (Tk),
Erode District. .. Petitioner in W.P.No.12517 of 2014

M/s.Senthoor Velavan & Co.,
Rep. by its Proprietor P.Jaganathan
444, Velliankattupudur,
Kangayam-638 701. .. Petitioner in W.P.No.12518 of 2014

M/s.G.V.Constructions,
Rep. by its Proprietor P.Saravanan,
Selligoundanur,
Boothapadi, Bhavani. .. Petitioner in W.P.No.12519 of 2014

N.Subramanian .. Petitioner in W.P.No.12520 of 2014

M/s.Sri Cauver Engg. Constructions,
Rep. by its Partner Mr.Madheswaran,
Koneripatty, Poolamapatti (via),
Edappadi Taluk, Mettur Dam. .. Petitioner in W.P.No.12521 of 2014

Vs.

1. The Managing Director
Tamil Nadu Water Supply and Drainage Board
31,Kamarajar Salai,
Chepauk, Chennai 600 005.
2. The Executive Engineer
v Maintenance Division
TWAD Board, Erode .. Respondents in all the Writ Petitions

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writs of Mandamus to direct the respondents to release the payment due to the petitioners to the tune of :

(i) Rs.2,41,149.00p in respect of Agreement No.DR/TWAD/No.09/2010-2011, dated 09.04.2010 (in W.P.No.12516 of 2014),

(ii) Rs.2,14,252.00p in respect of Agreement No.DR/TWAD/No.25/2010-2011, dated 30.04.2010 (in W.P.No.12517 of 2014),

(iii) Rs.1,12,569.00p in respect of Agreement No.DR/TWAD/No.04/2010-2011, dated 09.04.2010 (in W.P.No.12518 of 2014),

(iv) Rs.2,20,833.00p in respect of Agreement No.DR/TWAD/No.30/2010-2011, dated 30.04.2010 (in W.P.No.12519 of 2014),

(v) Rs.43,117.00p in respect of Agreement No.DR/TWAD/No.14/2010-2011, dated 16.04.2010 (in W.P.No.12520 of 2014) and

(vi) Rs.2,28,011.00p in respect of Agreement No.DR/TWAD/No.12/2010-2011, dated 16.04.2010 (in W.P.No.12521 of 2014).

For petitioners in all Writ Petitions : Mr. K.S. Viswanathan

For respondents in all Writ Petitions : Mrs.S. Thamizharasi for RR-1 and 2

COMMON ORDER

The petitioners have come forward with these Writ Petitions praying for issuance of a Writ of Mandamus directing the respondents to release the payments due to the petitioners who were awarded the work of operation and maintenance of all components under Combined Water Supply Scheme (CWSS) to A.M. of CWSS to Anthiyur and Ammapettai 2010-11--Operation and Maintenance of all components for reach-1 under Anthiyur and Ammapettai (210 Habitations) in Erode District (Head Works, Treatment Plant, Raw Water Pumping Main and Koochikallur Line) etc. (in W.P.No.12516 of 2014), A.M. of Kadappanallur CWSS 2010-2011--Operation and Maintenance of Kadappanallur 28 other habitations and extension of water supply to 28 habitations in Singampatti and Padavalkalvai Village Panchayat in Ammapettai Union etc., (in W.P.No.12517 of 2014), A.M. of CWSS to Nallampatti 2010-11--Operation and Maintenance of components of clear water reservoir in treatment plant, raw clear water, clear water main and all other pipeline upto Kanjikoil Booster Station under Nallampatti CWSS in Erode District etc. (W.P.No.12518 of 2014); A.M. of CWSS to Perundurai and Chennimalai 2010-11--operation and maintenance of the components of Booster Stations at Chennimalaipalayam, Perundurai

R.S., Vellodu and Booster main and all other pipeline upto tail end including valve operations under CWSS to 104 way side rural habitations in Perundurai and Chennimalali Unions in Erode District under tapping-1 of water supply to NTADCL etc., (W.P.No.12519 of 2014); A.M. Nambiyur CWSS 2010-11--Operation and Maintenance of all components from head works to tail end habitations including operating valves etc, (W.P.No.12520 of 2014) and A.M. of CWSS to Anthiyur and Ammapettai 2010-11--Operation and maintenance of all components for Reach--IV under Anthiyur and Ammapettai (210 habitations) in Erode District (Booster @ Chendrayanur, Ambedkar Nagar, Pumping Main) etc. (W.P.No.12521 of 2014) and as directed by TWAD Board Officers, by Agreement Nos.DR/TWAD/Nos.09, 25, 04, 30, 14, 12/2010-2011, dated 09.04.2010, 30.04.2010, 09.04.2010, 30.04.2010, 16.04.2010 and 16.04.2010, in respect of the payments due to the petitioners, viz., Rs.2,41,149.00 (in W.P.No.12516 of 2014), Rs.2,14,252.00 (in W.P.No.12517 of 2014), Rs.1,12,569.00 (in W.P.No.12518 of 2014), Rs.2,20,833.00 (in W.P.No.12519 of 2014) Rs.43,117.00 (in W.P.No.12520 of 2014) and Rs.2,28,011.00 (in W.P.No.12521 of 2014), even as per the records maintained by the respondents.

2. The petitioners have made representations to the second respondent-Executive Engineer to release the payments due to them for a longer period, in respect of the above works done by them. Such process ended in vain and hence, the petitioners are before this Court.

3. In the counter affidavits filed by the second respondent, the case of the petitioners was admitted and they simply state that the AEO statements for the above works were sent to higher authorities for approval. The admitted due amounts are given as follows:

- (i) Rs.2,41,149.00 (in W.P.No.12516 of 2014),
- (ii) Rs.2,14,252.00 (in W.P.No.12517 of 2014),
- (iii) Rs.1,12,569.00 (in W.P.No.12518 of 2014), but in Counter affidavit in respect of W.P.No.12518 of 2014 - the due amount is stated as - Rs.1,19,957/-,
- (iv) Rs.2,20,833.00 (in W.P.No.12519 of 2014);
- (v) Rs.43,117.00 (in W.P.No.12520 of 2014) and
- (vi) Rs.2,28,011.00 (in W.P.No.12521 of 2014).

4. From the above facts and circumstances and the details thereunder, it is clear that the claim made by the petitioners and the admitted due amounts as stated by the second respondent in the counter affidavits, are the same, except in W.P.No.12518 of 2014 and in other Writ Petitions, there is no controversy in the amounts claimed. Therefore, in my considered view, when there is no controversy in the claim made by the petitioners, they shall not be made to wait for a long time.

5. Hence these Writ Petitions are disposed of, directing the respondents to disburse the above amounts due to the respective Writ Petitioners as quoted above, and in respect of W.P.No.12518 of 2014, they shall verify the due amount as the same varies from the claim made by the writ petitioner, to that of the counter affidavit in that W.P. The above process of disbursing the amounts shall be paid to the writ petitioners, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cs

To

1. The Managing Director
Tamil Nadu Water Supply and Drainage Board
31,Kamarajar Salai,
Chepauk, Chennai 600 005.
2. The Executive Engineer
Maintenance Division
TWAD Board, Erode

6 ccs to Mrs.S. Thamilarasi, Advocate, Sr. 12304 to 12309
3 ccs to Mr.V. Suthakar, Advocate, Sr. 13094

W.P.Nos.12516 to 12521
of 2014

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