

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.14953 OF 2016

S.M.Elumalai

.. Petitioner

Versus

1.The District Collector / Chairman
District Rural Development Agency
Villupuram,
Villupuram District.

2.Block Development Officer
Melmalaiyanur Panchayat Union
(Village Panchayat)
Melmalaiyanur, Ginjee Taluk,
Villupuram District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to release forthwith the final bill amount of Rs.5,99,789/- (Rupees Five Lakhs Ninety Nine Thousand Seven Hundred and Eighty Nine Only) with interest from the date of the final bill till the date of realization for the completed works in respect of "Vadugapoondi Colony Tar Road" in the work order dated 10.08.2015 in Proceedings No.Na.Ka.No.E1/1354/2015 forthwith.

For Petitioner : Mr.R.Rajarajan

For Respondent-1 : Mr.R.Rajeswaran

Special Government Pleader

For Respondent-2 : Mr.S.Navaneetham

Additional Government Pleader

O R D E R

Heard Mr.R.Rajarajan, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader, accepting notice on behalf of the first respondent and Mr.S.Navaneetham, learned Additional Government Pleader, accepting notice on behalf of the second respondent.

2.With the consent of learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

3.The petitioner, who was a registered contractor of the second respondent Panchayat Union, as well as the first respondent District Rural Development Agency, was awarded a contract, by proceedings dated 10.08.2015 of the second respondent, for forming a Tar road to a distance of 317 mtrs and the name of the work is called Vadugapoondi Colony Tar Road. The petitioner is said to have completed the work as awarded to him. He has also stated that the completion report has been submitted and final bill has been prepared and the petitioner has to be paid a sum of Rs.5,99,789/-. When the petitioner requested for payment, the same has been withheld by the respondents.

4.According to the petitioner, it is on two grounds. Firstly, on the ground that the petitioner's registration as a Contractor was cancelled and he has challenged the said cancellation by filing a writ petition before this Court in W.P.No.22075 of 2012 and an interim order has been granted in the said writ petition. The same is on account of another writ petition filed by certain private parties in W.P.No.10977 of 2016, wherein they have sought for cancellation of contract awarded to the petitioner. It is not known as to whether the contract awarded to the petitioner vide proceedings dated 10.08.2015 is one of the contract that has been challenged in the above writ petition viz., W.P.No.10977 of 2016 and if that is so, now the said contract is said to have been completed. Hence, it has to be seen whether anything survives in this writ petition and the same cannot be gone into at this juncture, since the learned Additional Government Pleader for the second respondent submits that they have to verify the full facts and if there is no other legal impediment, payment would be released to the petitioner.

5.Since the petitioner's representations dated 08.04.2016 and 14.04.2016 are still pending before the second respondent, there will be a direction to the second respondent to consider the petitioner's representation dated 14.04.2016 and verify as to whether the work has been completed in terms of the conditions of the contract, and thereafter, if there is no other legal impediment, proceed further, to sanction the eligible amount. The said exercise shall be complied with by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector / Chairman,
District Rural Development Agency,
Villupuram,
Villupuram District.

2.Block Development Officer ,
Melmalaiyanur Panchayat Union,
(Village Panchayat),
Melmalaiyanur, Ginjee Taluk,
Villupuram District.

+1cc to G.Rajan, Advocate sr.25137

+1cc to the Government Pleader sr.25417

W.P.NO.14953 OF 2016

ad(CO)
srg(04/05/2016)

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