

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12-02-2016

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P.Nos.13080, 13082 to 13084 of 2014

M/s. Sivam Associates
Rep. by its Proprietor C. Dakshinamoorthy
Viralikattur, Vellithirupur (PO)
Olagadam 638 314, Bhavani TALuk
Erode District .. Petitioner
in W.P.13080 of 2014

M/s. K.S. Constructions
Rep by its Proprietor N. Kumar
Unjapalayam
Boothapadi
Bhavani
Erode District .. Petitioner
in W.P.13082 of 2014

N. Senthilkumaran
Pudukaraipudur
Engineer Thottam
Gobichettipalayam .. Petitioner
in W.P.13083 of 2014
and W.P.13084 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
Maintenance Division
TWAD Board, Erode .. Respondents in all the WPs.

Petitions filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to release the payment due to the petitioners to the tune of (i) Rs.1,41,619.00p in respect of Agreement No.DR/TWAD/No.24/2010-2011 dated 30-04-2010 (in WP.13080/2014), (ii) Rs.1,87,087.00p in respect of Agreement No.DR/TWAD/No.41/2010-2011 dated 18-05-2010 (in WP.13082/2014), (iii) Rs.1,29,446.00p in respect of Agreement No.DR/TWAD/No.26/2010-2011 dated 30-04-2010 (in WP.13083/2014), and (iv) Rs.1,38,379.00p in respect of Agreement No.DR/TWAD/No.13/2010-2011 dated 16-04-2010 (in WP.13084/2014) .

For petitioners :: Mr. K.S. Viswanathan

For respondents :: Mrs.S. Thamizharasi for RR1 and 2

COMMON ORDER

The petitioners have come forward with these writ petitions praying for a writ of Mandamus directing the respondents to release the payment due to the petitioners awarded the work of operation and maintenance of all components under Combined Water Supply Scheme (CWSS) to Salangapalayam, @ Kolathupalayam, Chinnamoopanpudur from Chinnamoopanpudur to Nallakkampalayam and Sevagampalayam SR (W.P.No.13080 of 2014), Salangapalayam (W.P.No.13082 of 2014), Meyyalpetti (W.P.No.13083 of 2014) and Varathanallur (W.P.No.13084 of 2014) including Valve operations under Salangapalayam CWSS in Erode District etc and as directed by TWAD Board Officers, by Agreement Nos.DR/TWAD/Nos.24, 41,26 and 13/2010-2011 dated 30-04-2010, 18-05-2010, 30-04-2010 and 16-04-2010. The payment due to the petitioners is Rs.1,41,619.00p, Rs.1,87,087.00p, Rs.1,29,446.00p and Rs.1,38,379.00p respectively, even as per the records maintained by the respondents.

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

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

- (i) In W.P.13080 of 2014 - Rs.1,41,619/-
- (ii) In W.P.13082 of 2014- Rs.1,87,087/-
- (iii) In W.P.13083 of 2014 - Rs.1,04,439/- and
- (iv) In W.P.13084 of 2014 - Rs.1,63,386/- (Rs.267825/-)

4. From the above, it is clear that the claim made by the petitioners and the admitted due amount as stated by the respondents are the same and there is no controversy in the amount 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 of the due amount in respect of the petitioners within a period of eight weeks, from today. However, there will be no order as to costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

glp

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

+ 4 ccs to Mr.V. Suthakar, Advocate sr.9346 to 9349

+ 4 ccs to Ms.S. Thamizharasi, Advocate SR. 9315 to 9318

W.P.Nos.13080, 13082 to 13084 of 2014

KGK(CO)
Eu 02.03.16

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