

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5866 OF 2013

R.Rajendran

... Petitioner

-Vs-

The Commissioner,
Corporation of Tiruppur,
Tiruppur.

.... Respondent

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, to direct the respondent to disburse a sum of Rs.5,91,458/- (Rupees Five Lakhs Ninety One Thousand Four Hundred and Fifty Eight only) for the work executed by the petitioner with regard to laying and servicing water pipe lines at erstwhile Veerapandi Village Panchayat for the year 2008-2009 and 2009-2010.

For petitioner : Mr.V.Suthakar

For respondent : Mrs.P.Shanthi

O R D E R

Heard Mr.V.Suthakar, learned counsel for the petitioner, and Mrs.P.Shanthi, learned Standing Counsel for the respondent Corporation.

2. The petitioner appears to have carried out certain works for the erstwhile Veerapandi Village Panchayat and he claims an amount of Rs.5,91,458/- for carrying out the said works for laying and servicing water pipe lines during the years 2008-2009 and 2009-2010. Later on, the panchayat limits were merged with Tiruppur Corporation on 25.10.2011 and, therefore, the petitioner had to approach the respondent Corporation for payment. Since there was no appreciable action taken on the representations, the petitioner earlier approached this Court by filing W.P.No.16274 of 2011, which was disposed of by an order, dated 05.09.2011, with a direction to the respondent to consider the representation of the petitioner. It is thereafter the petitioner was informed that the matter had been forwarded to the respondent

Corporation for appropriate action. Since the respondent Corporation did not settle the petitioner's claim, the petitioner applied for certain formation under the R.T.I. Act and he was given a reply on 27.03.2012, stating that the respondent Corporation was ready to pay a sum of Rs.5,91,458/- subject to the condition that the petitioner returned all the old materials. Pursuant to the same, the petitioner sent a representation on 06.06.2012, stating that he had already returned the old materials to the Panchayat and he had acknowledgement for the same and produced a copy of the said acknowledgement. Yet, no action was been taken by the respondent to settle the payment and, therefore, the petitioner has approached this Court by way of this Writ Petition.

3. From the counter affidavit filed by the respondent, it appears that they have taken a stand totally denying the liability, stating that when the liability statement of the Veerapandi Village Panchayat was handed over to the Corporation on 07.11.2011, the RR works were not listed in the said statement. This appears to be contrary to the stand taken in the reply given under the R.T.I.Act, dated 27.03.2012, wherein, they have admitted that they were ready to pay a sum of Rs.5,91,458/-, provided the petitioner produced the receipt for handing over the old materials.

4. In the said circumstances, this Court is of the view that the stand taken by the respondent in the counter affidavit is incorrect and the reply received under the R.T.I.Act shall hold the field.

5. Learned counsel for the respondent, on instructions, submits that if the petitioner is able to produce the proof to show that the materials have been returned, then, the Corporation will verify the same and do the needful in the matter.

6. In the light of the above, this Writ Petition is disposed of, directing the petitioner to submit one more representation along with a copy of this order, enclosing copies of receipts and also producing the originals for verification, and on being satisfied with the same, the respondent shall release the amount to the petitioner without further delay, at any rate, within a period of eight weeks from the date on which the representation is submitted. No costs.

Sd/-
Assistant Registrar(CS IV)

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To

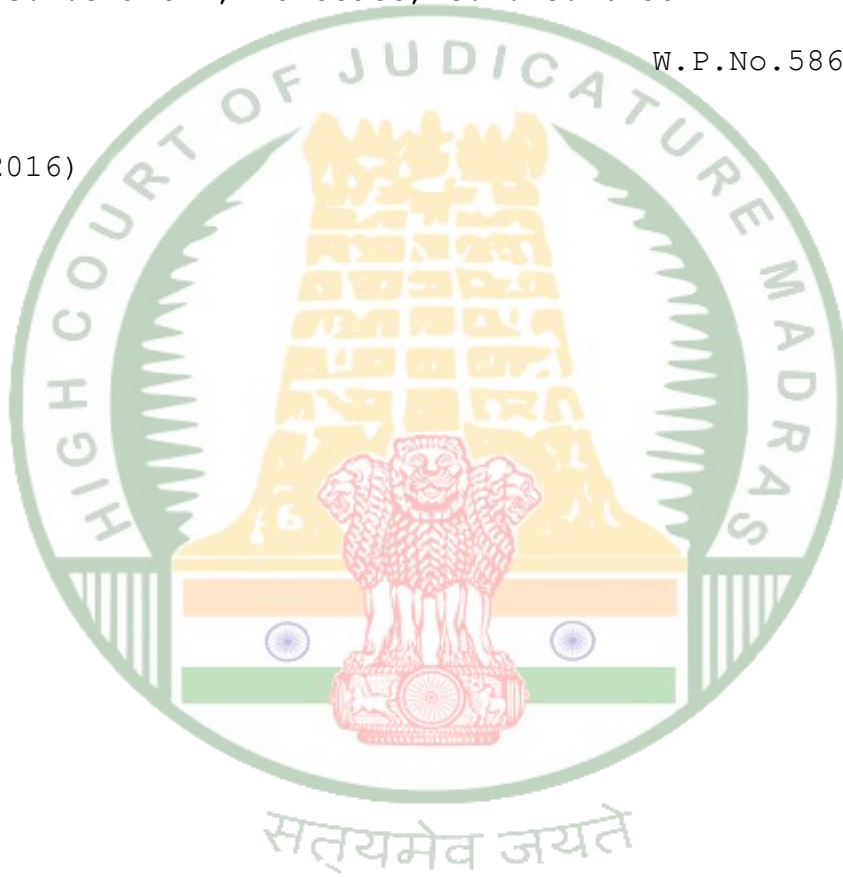
The Commissioner,
Corporation of Tiruppur,
Tiruppur.

+1cc to Mr.V.Suthakar, Advocate, S.R.No.16221

+1cc to Mrs.P.Shanthi, Advocate, S.R.No.16138

W.P.No.5866 OF 2013

VGI (CO)
CA(28/03/2016)



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