

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.11.2016

CORAM

THE HON'BLE MR. JUSTICE M.S.RAMESH

W.P.No.25184 of 2013

K.T.Ramasamy

.. Petitioner

/vs/

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Block Development Officer(Regular),
Peranamallur Panchayat Union,
Peranamallur,Thiruvannamalai District.

3.The Commissioner,
Peranamallur Panchayat Union,
Thiruvannamalai District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to make the payment of Rs.3,25,000/- (Three lakhs twenty five thousand only) for the work of laying down blue metal in Kozhappalur-Konayur thar road based on the letter No.Na.Ka.4414/07.V.A2, dated 25.02.2009 performed by the petitioner.

For Petitioner :Mr.M.Gnanasekar

For Respondents :Mr.R.Govindasamy,
Spl.GP for R1
Mr.Era.Premnatha
R2 & R3

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O R D E R

The petitioner's grievance is that the respondents had not disbursed the payment of Rs.3,25,000/- due for the work, he had undertaken for laying blue metal road in Kozhappalur Konayur thar road.

2. According to the respondents, the third respondent by his proceedings dated 25.02.2009 has authorised the petitioner to lay the road and the petitioner had also completed the same within a period of two months. In spite of the same, since the respondents did not settle the payment, he had

made several representations to the respondents, which turned out futile.

3. The learned counsel for the respondents, on the other hand, would submit that the work order was issued in favour of one Ragothaman and that the petitioner is only a sub-contractor and therefore, his claim cannot be considered. It is needless to mention that if at all the petitioner is not entitled to the claim, the respondents could have given a reply to the representation made in this regard. It is needless to point out that when the petitioner had made his representation to the Project Director of DRDA, the petitioner's application had been forwarded to the 2nd respondent and the 2nd respondent is duty bound to either reject or pass other orders instead of keeping it pending.

4. Under such circumstances, the petitioner is given a liberty to make a fresh application to the respondents 2 and 3 seeking for his payment and on receipt of such representation, the third respondent shall pass appropriate orders within a period of four weeks from the date of receipt of copy of this order. With the above observation, this writ petition stands disposed of. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Block Development Officer(Regular),
Peranamallur Panchayat Union,
Peranamallur,
Thiruvannamalai District.

3.The Commissioner,
Peranamallur Panchayat Union,
Thiruvannamalai District.

1 cc to Mr.M. Gnanasekar, Advocate, Sr. 70411

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