

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.11.2016
CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.38879 of 2016

A.R.Thajudeen
The Proprietor
M/s.Asian Marketing
Shop No.6 Vijay Centre
No.65 Oppankara Street
Coimbatore- 641 001.

[Petitioner]

Vs

- 1 The Assistant Director
Rural Development Office
Office of the Collectorate
Coimbatore- 641 018.
- 2 The Block Development Officer
Office of Block Development
Periyanayakkan Palayam Coimbatore- 641 019.
- 3 The President
Bilichi Panchayat Coimbatore- 641 019.

[Respondents]

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the 2nd respondent herein i.e. the Block Development Officer Periyanayakkan Palayam Coimbatore to pay a Sum of Rs.9 04 900/- the total bill amount for the materials supplied to the 3rd respondent herein i.e. the President Bilichi Panchayat Coimbatore to the petitioner herein within a stipulated period of time in pursuance of the petitioners final representation dated 18.05.2016 and also in pursuance of the resolution dated 29.07.2016 passed by the 3rd respondent i.e. the President Bililichi Panchayat Coimbatore District

For Petitioner : Mr.B.Ganesha Moorthy

For Respondents : Mr.P.V.Selvakumar, AGP (R1 &3)
Mrs.Saraswathi, GA (R2)

O R D E R

The petitioner has sought for a writ of mandamus directing the 2nd respondent to pay a sum of Rs.9,04,900/-, being the total bill amount for the materials supplied to the 3rd respondent.

2. The petitioner is a supplier of electrical and hardware. The 3rd respondent purchased the spare parts for street lights, new street lights, sanitary wares etc. from the petitioner concern from 18.06.2012 to 20.05.2013. The total amount outstanding in this regard is Rs.9,04,900/-. In spite of sending several representations including the representation dated 26.02.2016, the respondents, particularly the 3rd respondent has not paid the amount, which compelled the petitioner to approach this Court by filing a writ petition in W.P.No.15545 of 2016. In the said writ petition, this Court, by order dated 26.04.2016, directed the 1st respondent to consider the petitioner's representation dated 26.02.2016 and to pass orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of that order. However, no order has been passed in this regard. Thereafter, again, the petitioner gave a representation on 18.05.2016, calling upon the respondents to pay the amount. Pursuant to the same, the 3rd respondent passed a resolution on 29.07.2016 deciding to make the payment for a sum of Rs.9,04,900/-, being the outstanding amount to the petitioner. It is the contention of the petitioner that even after passing of the resolution, the 3rd respondent has not paid the amount. Therefore, the petitioner has approached this Court with the aforesaid prayer.

3. Heard Mr.B.Ganesamoorthy, learned counsel for the petitioner; Mr.P.V.Selvakumar, learned Additional Government Pleader, who took notice for respondents 1 and 3 and Ms.Saraswathi, learned Government Advocate, who took notice for the 2nd respondent.

4. The facts are already admitted before this Court in W.P.No.15546 of 2016. There is also no dispute with regard to the amount outstanding to the petitioner, as it is the subject matter of the resolution dated 29.07.2016 passed by the 3rd respondent. Since by way of resolution, the payment of a sum of Rs.9,04,900/- has been authorised, the respondents, particularly the 3rd respondent, is directed to pay the said sum of Rs.9,04,900/- to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

For reporting compliance, call the matter after four weeks.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Assistant Director
Rural Development Office
Office of the Collectorate
Coimbatore- 641 018.
- 2 The Block Development Officer
Office of Block Development
Periyamayakkan Palayam Coimbatore- 641 019.
- 3 The President
Bilichi Panchayat Coimbatore- 641 019.
4. The Section Officer
Writ Section High Court Madras

+1 cc to Mr.B.Ganesha moorthy Advocate sr 63659
+1 cc Government Pleader sr 64647

सत्यमेव जयते

W.P.No.38879 of 2016

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For reporting compliance
: Post after (4) weeks

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