



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 14.06.2016
CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

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W.P (MD) No.10418 of 2016

David Raj

..Petitioner

Vs

- 1.The Secretary to Government,
Public Works Department,
Chennai-9.
- 2.The Secretary to Government,
Finance Department,
Chennai-9.
- 3.The Chief Engineer,
Water Resource Organization,
Public Works Department,
Madurai Region,
Tallakulam,
Madurai-2.
- 4.The Superintendent of Engineer,
Water Resource Organization,
Public Works Department,
Tamaraparani Basin Circle,
Tirunelveli-2.
- 5.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Kodayar Basin Division,
Nagercoil,
Kanyakumari District.
- 6.The Assistant Executive Engineer,
Chittar Pattanam Chanal,
Water Resource Organization,
Public Works Department,
Kuzhithurai,
Kanyakumari District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directed to the respondents to settle the balance bill amount of Rs.2,87,000/- with interest at 18% for the belated payment periods to the Petitioner forthwith.



For Petitioner :M/s.N.S.Ramakrishna Dass

For Respondent :Mr.A.Muthu Karuppan
Addl.Govt.Pleader

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ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.According to the Petitioner, he is a registered P.W.D. Contractor and he had entered into an agreement with the Fourth Respondent/The Superintendent Engineer, Water Resource Organization, Public Works Department, Tamaraparani Basin Circle, Tirunelveli-2, for construction of certain additional infrastructure facilities in the existing Government Fish Seed Farm at Chittar Dam-II in Kanyakumari District, as per Agreement No.48SE/TBC/2010-2011.

4.The plea of the Petitioner is that he has completed the aforesaid work as per direction of the respondents 5 and 6 and supervision of the Assistant Engineer. In fact, he had completed the work four years ago and till date, the Fourth Respondent/The Superintendent Engineer, Water Resource Organization, Public Works Department, Tamaraparani Basin Circle, Tirunelveli-2 has not settled his final amount of Rs.2,22,000/- and related withheld amount of Rs.65,000/- In this regard, he has made a representation, dated 13.5.2016 addressed to the Fifth Respondent claiming the amount of Rs.2,87,000/-(inclusive of the withheld sum of Rs.65,000/-) with interest at 18% for the belated payment. Till date, the request of the Petitioner is not acceded to by the Fifth Respondent. Hence the Petitioner is constrained to file the present Writ Petition.

5.In fact, the Petitioner in the Writ Petition claims a sum of Rs.2,87,000/- together with interest at 18% for the belated payment. In view of the fact that the Petitioner's representation, dated 13.5.2016 addressed to the Fifth Respondent is pending as on date, without any progress in the subject-matter in issue, at this stage, this Court to prevent aberration of justice and to promote substantial cause of justice, directs the Fifth Respondent/The Executive Engineer, Water Resource Organization, Public Works Department, Kodayar Basin Division, Nagercoil, Kanyakumari District to immediately look into the representation of the Petitioner, dated 13.5.2016 within a period of four days from the date of receipt of a copy of this order. Thereafter, the Fifth Respondent is directed to look into the representation of



the Petitioner, dated 13.5.2016 with all earnestness and seriousness and to dispose of the same by passing a reasoned speaking order (especially outlining the process of reasoning in a qualitative and quantitative fashion, of course by providing necessary opportunity to the Petitioner and others concerned if any by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks thereafter. It is abundantly made clear that if the Fifth Respondent does not make the payment of settling the balance amount of Rs.2,87,000/- to the Petitioner or for any other amount to which he is entitled to, as arrived at by the Respondent, then the said balance amount shall carry 6% interest till the date of realisation. Therefore, this Court fervently opines that the Fifth Respondent will take all earnest efforts to settle the balance amount due to the Petitioner in the subject-matter in issue, by avoiding 6% interest per annum

6. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

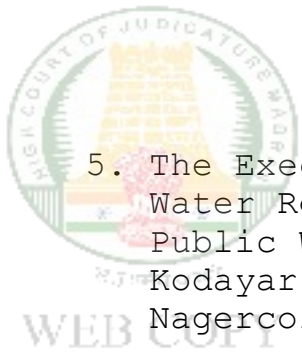
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
Public Works Department,
Chennai-9.
2. The Secretary to Government,
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Chennai-9.
3. The Chief Engineer,
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Madurai Region,
Tallakulam,
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Water Resource Organization,
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5. The Executive Engineer,
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Public Works Department,
Kodayar Basin Division,
Nagercoil, Kanyakumari District.

6. The Assistant Executive Engineer,
Chittar Pattanam Chanal,
Water Resource Organization,
Public Works Department,
Kuzhithurai,
Kanyakumari District.

+1cc to M/s.N.S.Ramakrishna Dass, Advocate, Sr.No.30294
+1cc to the Special Government Pleader, Sr.No.30504

vsn

JM/AAL-MPA/23.06.2016/4P-9C

W.P (MD) No.10418 of 2016
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