



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.13950 of 2016

D.Thanislass

... Petitioner

Vs.

1.The Secretary to Government,
Public Works Department,
Chennai.

2.The District Collector,
Kanyakumari District,
Kanyakumari.

3.The Superintending Engineer,
Tambarabarani Basin Circle,
Tirunelveli.

4.The Executive Engineer ,WRO, PWD
Public Works Department,
Kothaiyaaru Basin Division,
Nagercoil,
Kanyakumari District.

5.The Assistant Engineer, WRO, PWD
Public Works Department
Kothaiyaru Basin Sub Division
Nagercoil,
Kanyakumari District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 23.06.2016 and to release the petitioner's pending payments with regard to his completed various contract works.

For Petitioner

:Ms.E.Udhaya

For Respondents

:Mr.A.Muthukaruppan

Additional Govt. Pleader



2. By consent, the main writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the respondents.

4. According to the petitioner, he is a registered civil works contractor in Sl.No.15 under Clause II and he was engaged by the respondents 4 & 5 for carrying several civil works in and around Kanyakumari and Tirunelveli Districts through valid contracts. All the works were executed by him only by way of tenders. He has constructed several bridges, channels and other civil works successfully to the public, as per the work orders issued by the respondents 4 and 5.

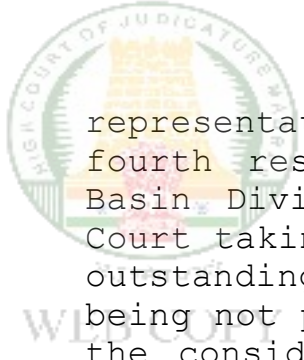
5. The stand of the petitioner is that in the year 2001 - 2002, he made some special repair works in Saddle No.5, the downstream of Pechiparai Dam, Kanyakumari District on the works allotted by the respondents 4 & 5. Though the said works were completed in the year 2001-2002 itself, the respondents have to settle him a sum of Rs.1,48,239/-.

6. In the meanwhile, another work was allotted to the petitioner by the respondents 4 & 5 under Order No.88 D.L/2005-2006. The said work was related to provide safety fence around tourist parks, which is situated in the downstream of Petchiparai Dam. The said work was completed by spending a sum of Rs.1,96,765/-. In fact, the respondents had paid only a sum of Rs.1,00,000/- and the remaining amount comes around Rs.96,765/-, which is not yet paid till date.

7. While that being the facts situation, another work was allotted to him in Work No.89 D.L/2005-2006 to carry out special repairs and improvement in the tourist park, which is situated in the downstream of Petchiparai dam. Though the estimated amount for the said work was of Rs.3,01,559/-, that came to be exceeded to the extent of Rs.4,02,000/-. In fact, the respondents had paid only Rs.2,00,000/- to him and the outstanding amount is Rs.2,02,000/-, which has not been settled till date. Apart from that, the respondents had to pay a sum of Rs.1,06,000/- towards repair works, which was completed in Anjukandaran K.L.B.C in the year 2005-2006.

8. The categorical version of the petitioner is that the respondents 4 & 5 have to pay a sum of Rs.5,53,004/- to him. In fact, after nearly 15 years, the petitioner had approached the respondents by sending continuous claims, representations and at last, he made a representation on 23.06.2016. Even then, no action has been taken by the respondents in the subject matter in ~~https://hcdres.courts.gov.in/hcdres/~~ he filed the present writ petition.

9. Considering the fact that the petitioner's



representation dated 23.06.2016 is pending on the file of the fourth respondent/the Executive Engineer, WRO, PWD, Kothaiyaaru Basin Division, Nagercoil, Kanyakumari District and also this Court taking note of the fact that the petitioner is to be paid an outstanding sum of Rs.5,53,004/- by the respondents and the same being not paid by them till date, at this stage, this Court, is of the considered view that for the work carried out/turned out by the petitioner, it is the primordial duty of the respondents to disburse the necessary amount, to which the petitioner is entitled to.

10. In the instant case, the petitioner had reportedly addressed several representations to the respondents, but they all ended in vain. Admittedly, even the last detailed representation dated 23.06.2016 in the subject matter in issue, addressed to the fourth respondent also has not met with any positive response till date. As such, this Court, to secure the ends of Justice, without proceeding any further, simpliciter, directs the fourth respondent/the Executive Engineer, WRO, PWD, Kothaiyaaru Basin Division, Nagercoil, Kanyakumari District to look into the last representation of the petitioner dated 23.06.2016, within a period of one week from the date of receipt of copy of this order. Thereafter, the fourth respondent/the Executive Engineer, WRO, PWD, Kothaiyaaru Basin Division, Nagercoil, Kanyakumari District is to dispose of the same by passing a speaking, reasoned order on merits in a fair, free, unbiased and dispassionate manner, by adhering to the principles of Natural Justice and if need be, to issue notice to the petitioner and others concerned in the subject matter in issue. In case, at the time of consideration of the representation of the petitioner, dated 23.06.2016, the fourth respondent/the Executive Engineer, WRO, PWD, Kothaiyaaru Basin Division, Nagercoil, Kanyakumari District comes to an inevitable conclusion that the petitioner is not entitled to claim a particular amount mentioned in the representation and then, he is entitled to claim only lesser amount than the amount claimed in the representation, dated 23.06.2016, then, it is for the fourth respondent to settle the real amount due to the petitioner without any haziness or hesitation so as to secure the ends of Justice, within a period of three weeks thereafter. In case, if the fourth respondent is in requirement of any copy of records/documents from the petitioner, then, the same can be obtained by him by issuing necessary notice to the petitioner in this regard. After receipt of the said notice/memo from the fourth respondent, then, it is incumbent on the part of the petitioner to fulfil the requirement of the fourth respondent so as to enable the latter to dispose of his representation dated 23.06.2016, in a complete and comprehensive manner, of course, within the time adumbrated by this Court as stated supra. The petitioner is also required to

<https://hccourtsonline.gov.in/bservices> provide assistance and co-operation to the fourth respondent/the Executive Engineer, WRO, PWD, Kothaiyaaru Basin Division, Nagercoil, Kanyakumari District, so as to enable him to do the



needful in the subject matter in issue.

11. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

VS

To

- 1.The Secretary to Government,
Public Works Department,
Chennai.
- 2.The District Collector,
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Kanyakumari.
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Public Works Department
Kothaiyaaru Basin Sub Division,
Nagercoil,
Kanyakumari District.

+1cc to M/S Special Government Pleader, Sr No. 41893

+1 cc to Mr.R.SATISH ,Advocate, Sr.No:42030

jam/16.08.16/NGM-MP/ 4P-8C

Writ Petition (MD).No.13950 of 2016

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