



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.08.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.13991 of 2016

D.Thanislas

... 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
Neyyar Section -1,
Kuzhithurai,
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 23.03.2015 to settle the pending payment of money along with the interest to the petitioner for the urgent repair works completed by the petitioner in L.S.0/400 in Thiurparappu Left Bank Canal during the month of December 2010.

For Petitioner : Ms.E.Udhaya

For Respondents : Mr.A.Muthukaruppan

Additional Govt. Pleader

**ORDER**

Heard both sides.

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, near Thiruparappu, there is a canal situated in the name of 'Thiruparapu Left Bank Canal (TLBC)' and during the year 2008 & 2010, there was a heavy rain fall in Thiruparapu area, which caused damage to TLBC. Thereafter, based on request and permission granted by the respondents, he entered into the repair works of TLBC and completed the said work immediately by spending a sum of Rs.31,90,000/-. Till date, he has not been paid the amount due to him, though the repair work was completed. In this regard, he made enormous requests to the respondents by way of sending continuous representations. The fourth respondent also sent a communication in Letter No.U.Va/ M77/ 179m/14, dated 19.02.2015, wherein, it was mentioned that already a sum of Rs.6,31,623/- was given to him for carrying out the repair works completed by him in TLBC from L.S.0/450 to 0/800 km.

5. Inasmuch as the petitioner's one more representation dated 23.03.2015 addressed to the fourth respondent/the Executive Engineer, WRO, PWD, Kothaiyaaru Basin Division, Nagercoil, Kanyakumari District, by clarifying the correct work and seeking settlement of the money issued to him has not seen the light of the day, he is constrained to file the present writ petition before this Court.

6. Considering the fact that the petitioner's representation dated 23.03.2015 addressed to the fourth respondent/the Executive Engineer, WRO, PWD, Kothaiyaaru Basin Division, Nagercoil, Kanyakumari District is pending without any progress, in the subject matter in issue, at this stage, this Court, without going into the merits and contents of the representation of the petitioner dated 23.03.2015, in the interest of Justice and Fair Play, directs the fourth respondent/the Executive Engineer, WRO, PWD, Kothaiyaaru Basin Division, Nagercoil, Kanyakumari District to look into the representation of the petitioner dated 23.03.2015, 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 23.03.2015, 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 23.03.2015, 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 later to dispose of his representation dated 23.03.2015, in a complete and comprehensive manner, of course, within the time adumbrated by this Court as stated supra. The petitioner is also required to lend his 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.

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

Sd/-

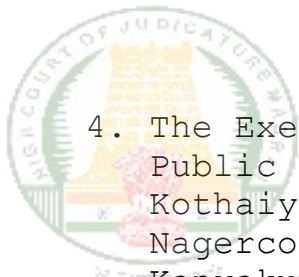
Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Public Works Department,
Chennai.
2. The District Collector,
Kanyakumari District,
Kanyakumari.
3. The Superintending Engineer,
Basin Circle,
Tirunelveli.



4. The Executive Engineer ,WRO, PWD
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5. The Assistant Engineer, WRO, PWD
Public Works Department
Neyyar Section -1,
Kuzhithurai,
Kanyakumari District.

+ 1 CC TO MR.R.SATHISH, ADVOCATE IN SR No. 42031
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 41892

VS

TE/DB : 12/08/2016 : 4P/8C

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