



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

C O R A M

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.16961 of 2016

D.Sivakumar

.. Petitioner

Vs.

1.The Commissioner,
Municipal Administration,
Chepauk, Chennai 600 005.

2.The Commissioner,
Arupukkottai Municipality,
Arupukkottai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus for a direction directing the 2nd respondent to release all payments to be made to the petitioner forthwith for the public work done based on the work orders dated 27.01.2016.

For petitioner

... Mr.N.Sundareshan

For Respondents

... Mr.T.S.Mohammed Mohideen

Additional Government Pleader

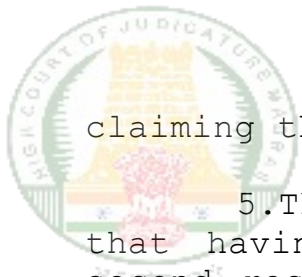
O R D E R

This writ petition has been filed seeking direction to the respondents to make payment for the public work done based on the work orders, dated 27.01.2016.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.It is the case of the petitioner that out of a sum of Rs.27,06,205/-, the second respondent has paid a sum of Rs.5,00,000/- only and the balance payable is Rs.22,06,205/-. As this amount is not paid, this writ petition has been filed.

4.It is not the case of the respondent that the petitioner is guilty of not completing the work, as per the undertaking given in the details of commencement of work and completion of work has been given in the typed set of papers. The petitioner is



claiming the amount after completing the work only.

5.The learned counsel for the second respondent would plea that having regard to the financial condition, in which, the second respondent is placed, atleast there must be an order for payment in installment.

6.The learned counsel for the petitioner would insist immediate payment on the ground that already, the petitioner is suffering loss on account of non-payment in time.

7.Under such circumstances, considering the submissions on both sides, the second respondent is directed to pay 50% of the balance amount on or before 26.10.2016 and the remaining amount shall be paid on or before 18.11.2016.

8.This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

rj2

To

1.The Commissioner,
Municipal Administration,
Chepauk, Chennai 600 005.

2.The Commissioner,
Arupukkottai Municipality,
Arupukkottai.

+1cc to Mr.N.Sundareshan Advocate Sr.No. 61632

JAM/08.11.16/DB /2p-4c

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