

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.2419 of 2011

MP.No.1 of 2011

P.Laksharam

.... Petitioner

Vs

1.The Managing Director,
TWAD Board,
Chepauk,
Chennai-600 005.

2.The Executive Engineer,
R.W.S.Division,
TWAD Board,
Trichy Control,
Villupuram,
Villupuram District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Certiorarified Mandamus to call for the records of the second respondent herein resulting in the impugned order passed by the second respondent in his proceedings Ka.No. Co-contractor Registration/2010 Vu/Va dated 29.06.2010 and quash the same as illegal and to direct the second respondent to refund a sum of Rs.4,20,530/- to the petitioner herein together with interest at the rate of 18% p.a. from the date of retention till the date of refund.

For Petitioner : Mr.L.Chandrakumar
For RR1 & 2 : Mr.S.Eraskine Leo

ORDER

The petitioner has approached this Court seeking the following relief:

"To issue a Certiorarified Mandamus to call for the records of the second respondent herein resulting in the impugned order passed by the second respondent in his proceedings Ka.No. Co-contractor Registration/2010 Vu/Va dated 29.06.2010 and quash the same as illegal and to direct the second respondent to refund a sum of Rs.4,20,530/- to the petitioner herein together with

interest at the rate of 18% p.a. from the date of retention till the date of refund''.

2. The petitioner was a registered contractor under the respondents. He was given contractual work by the respondents during the period 1997-1999. According to the petitioner, he has completed the work as per the terms and conditions of the contract. However, to the surprise of the petitioner, a letter was issued on 12.02.1999 stating that there were defects in the execution of the work by the petitioner and therefore, the registration of the contract stood suspended. Thereafter, an order of recovery for a sum of Rs.4,20,558/- was also issued. The said amount was due to the petitioner for carrying out the work contracted to him.

3. When the matter was taken up for hearing, Mr.L.Chandrakumar, the learned counsel for the petitioner would submit that he would only seek the relief in respect of the second prayer namely for refund of the amount of Rs.4,20,530/-, which is due to him for the work executed by him during the relevant period.

4. Upon notice, S.Eraskine Leo, learned counsel entered appearance for the respondents and filed a detailed counter affidavit.

5. Since the relief as sought for by the petitioner is only limited, this Court directs the petitioner to submit appropriate representation to the respondents within one week from the date of receipt of a copy of this order for refund of the amount, which is due to him for the work executed. On receipt of the representation of the petitioner, the respondents are directed to dispose of the same on merits and in accordance with law within a period of four weeks thereafter.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

dn

To

1.The Managing Director,

TWAD Board,
Chepauk,
Chennai-600 005.

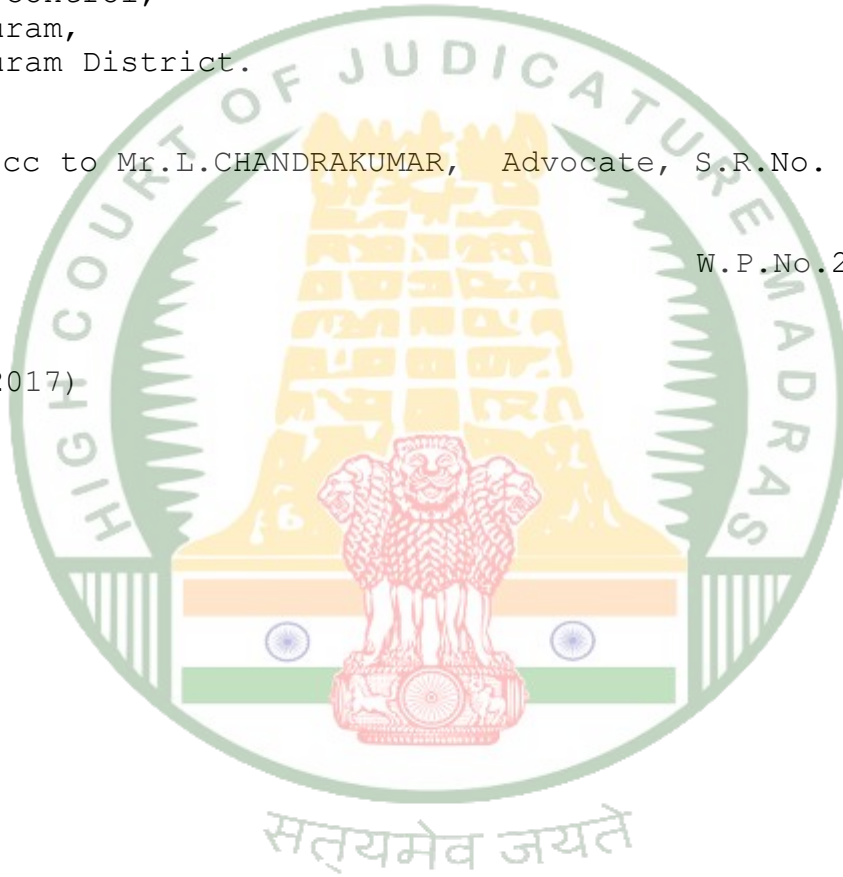
2.The Executive Engineer,

R.W.S.Division,
TWAD Board,
Trichy Control,
Villupuram,
Villupuram District.

+1cc to Mr.L.CHANDRAKUMAR, Advocate, S.R.No. 78824

W.P.No.2419 of 2011

TR(13/12/2017)



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