

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25843 of 2017

1. Mrs.Anandarubi
2. Mr.Sivakumar
3. Mrs.Arul Selvi
4. Mrs.Chandrika
5. Mrs.Premalatha
6. Mrs.Udayalakshmi .. Petitioners

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
2. The Zonal Officer,
Zone-I, Thiruvotriyur,
Corporation of Chennai,
No.945, T.H.Road, Chennai-600 019.
3. The Assistant Commissioner,
Corporation of Chennai, Zone-I,
Thiruvotriyur, Chennai-600 019. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to consider petitioner's reply dated 01.06.2016 to the letter in Z.O.1.C.No.U3/174/2016 issued by the second respondent, dated 16.03.2016 and to release the sum of Rs.2,89,955.75/- to the petitioner for construction work done by their father to the respondents.

For Petitioners : Mr.J.Suresh
For Respondents : Mr.T.C.Gopalakrishnan

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider petitioner's reply dated 01.06.2016 to the letter in Z.O.1.C.No.U3/174/2016 issued by the second respondent, dated 16.03.2016 and to release the sum of Rs.2,89,955.75/- to the petitioner for construction work done by their father to the

respondents.

2. Admittedly, there was a contract of construction of high school building, between the petitioner's father and the respondents and that the petitioner has stated that his father has completed the work without any violation and that the aforesaid amount is due and has not been paid, even though there was an order of this Court, dated 05.11.2015 in W.P.No.32595 of 2015. Pursuant to the said order of this Court, the second respondent, vide communication dated 16.03.2016, sought for certain details which was directed to be submitted by way of clarification/explanation so that the request may be considered in accordance with law. For that, the petitioner's father has given reply on 01.06.2016 stating that there is no violation of the contract and that for the mistake on the part of the Governmental authorities, the petitioner's father could not be put to hardship and that the legitimate dues may be paid to the petitioner's father so as to enable him to clear the debts. In the meantime, the petitioner's father died on 04.09.2016 and the legal heirs have come before this Court by way of filing this Writ Petition stating that the representation/reply, dated 01.06.2016 of the petitioner's father may be directed to be considered and the amount released. Admittedly, there is no representation given by the petitioners herein. That apart, the respondents are disputing the averments of the petitioners not only in the affidavit, but also the statement given by the petitioner's father on 01.06.2016. Since no representation is given by the petitioners herein, the Writ Petition is dismissed only on the score that no mandamus will lie without any demand/representation made by the petitioners. It is open for the petitioners to approach the respondents by producing necessary details, in which event, the same shall be considered by the respondents in accordance with law, if any such representation is made. No costs.

/sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

cs

To

1. The Commissioner, Corporation of Chennai,
Rippon Building, Chennai-600 003.

2. The Zonal Officer, Zone-I, Thiruvotriyur,
Corporation of Chennai,
No.945, T.H.Road, Chennai-600 019.

3. The Assistant Commissioner,
Corporation of Chennai, Zone-I,
Thiruvotriyur, Chennai-600 019.

+1 CC to Mr. T.C. Gopala Krishnan , Advocate Sr.No. 74909

+1 CC to Mr. J. Suresh , Advocate Sr.No. 75043

W.P.No.25843 of 2017

MD: 21/11/2017



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