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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.07.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 865 of 2017

and

W.M.P (MD) No. 724 of 2017

P.Chandrakala

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
6th floor, Ezhilagam,
Chepauk,
Chennai 600 005.

2.The Regional Director of Municipal Administration,
No.294, Melakal Main Road,
Kochadai, Madurai.

3.The Commissioner,
Municipal Office,
Keelakarai,
Ramanathapuram District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to refund the amount of Rs.36,38,328/- deducted by the respondents in respect of the works done under combined development scheme for laying water pipes during 2011-12 from the petitioner's pending bills and other security deposits lying with the third respondent, without conducting any enquiry, forthwith and consequently, forbear the respondents from deducting any amount from the petitioner's pending bills and other security deposits in respect of the works done under combined development scheme for laying water pipes.

For Petitioner : Mr.J.Anandkumar

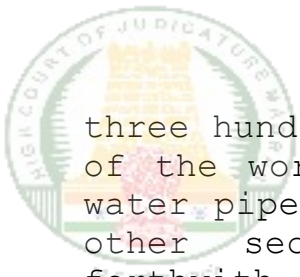
For Respondents : Mr.S.Kumar,

Additional Government Pleader
for R.1 and R.2

Mr.A.Kannan, for R.3

ORDER

This writ petition has been filed by the petitioner to issue a
<https://hcservices.ecourts.gov.in/hcservices/>
Writ of Mandamus, directing the respondents to refund the amount
of Rs.36,38,328/- (Rupees thirty six lakh thirty eight thousand



three hundred and twenty eight only) deducted from her, in respect of the works done under the combined development scheme, to lay water pipes during the period 2011-12, from her pending bills and other security deposits lying with the third respondent, forthwith.

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2.The case of the petitioner, in nutshell, is as follows:

2.1.According to the petitioner, the respondents herein called for tender, for laying water pipes under the combined development scheme, in Keelakarai Municipality, Ramanathapuram District. The petitioner herein participated in the said tender and was given work order dated 04.05.2012, as she was the successful bidder. Since the work has to be carried out in a sea shore area, to overcome the problem of erosion of pipes, the petitioner was informed by the Supervisor and Additional Executive Engineer, RDMA Madurai, to fix pipes of SPIGOT and SOCKET D1 K9 100 MM as per IS 8329/2000, which was duly complied with by the petitioner and the petitioner completed the said work in time.

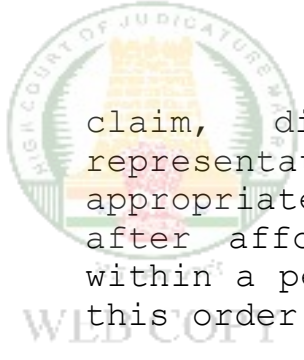
2.2.While so, the respondents herein, without giving any notice and without conducting any enquiry, deducted a sum of Rs.36,38,328/- (Rupees thirty six lakh thirty eight thousand three hundred and twenty eight only) in two installments from the petitioner. When she approached the respondents, she was informed that in the internal audit, it was found that an excess amount of Rs.46,38,000/- (Rupees forty six lakh thirty eight thousand only) was paid for the works done by her, during the period of 2011-12, for laying pipes. Further, she was informed that a detailed explanation has been submitted by the respondents to the Accountant General, Chennai, along with the explanation submitted by the then Supervisor, explaining the reasons for permitting the petitioner to fix pipes which was permissible under IS 8329/2000. The said representation is said to be pending before the Accountant General, Chennai, and in the mean time, as the respondents are trying to deduct further sum from the pending bills of the petitioner, the petitioner has made a representation before the respondents on 27.12.2016. As the same is kept pending without any action, the petitioner filed the present writ petition with the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first and second respondents as well the learned counsel appearing for the third respondent.

4. The learned Counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 27.12.2016, is disposed of by the respondents as per law.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's



claim, directs the third respondent to consider the representation of the petitioner dated 27.12.2016 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Municipal Administration,
6th floor, Ezhilagam,
Chepauk,
Chennai 600 005.

2. The Regional Director of Municipal Administration,
No.294, Melakal Main Road,
Kochadai, Madurai.

3. The Commissioner,
Municipal Office,
Keelakarai,
Ramanathapuram District.

+1cc to Mr.J.Anandkumar, Advocate, SR.68838

+1cc to M/S.Special Government Pleader, SR.69747

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GK

KK/GT/SAR2/07.08.2017/3P-6C/