



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P(MD)Nos.397 and 398 of 2016

W.M.P.(MD) Nos.319, 320 and 4055 of 2016 in W.P.(MD) No.397 of 2016 and W.M.P.(MD) Nos.321, 322 and 4056 of 2016 in W.P.(MD) No.398 of 2016

S.Murugan ..Petitioner in W.P.(MD) No.397/2016
P.Mohammed Kasim ..Petitioner in W.P.(MD) No.398/2016

Vs

1.The Director of Town Panchayats,
Directorate of Town Panchayats,
Kuralagam,Chennai - 108.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Assistant Director of Town Panchayats,
Tirunelveli Region,
Tirunelveli District.

4.The Assistant Executive Engineer,
Town Panchayats,
Tirunelveli Region,
Tuticorin District.

5.The Executive Officer,
Kalugumalai Town Panchayat,
Kalugumalai,Tuticorin District.

6.The President,
Kalugumalai Town Panchayat,
Kalugumalai,
Tuticorin District.

..Respondents in both petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to order passed by the 3rd Respondent vide proceedings ref: Na.Ka.No.4069/2015/P1 dated 17.12.2015, quash the same and consequently direct the Respondents to permit the petitioners to



complete the 15 items of work mentioned in the impugned order within a reasonable time.

For Petitioner	: Mr.Niranjana S.Kumar
For Respondents 1 to 4	: Mr.D.Muruganantham
	Additional Government Pleader
For 5 th Respondent	: Mr.M.Rajarajan
For 6 th Respondent	: Mr.M.Karunanithi

WEB COPY

ORDER

The petitioners have approached this Court seeking quashment of the impugned order passed by the 3rd Respondent vide proceedings ref: Na.Ka.No.4069/2015/P1 dated 17.12.2015 and consequently to direct the Respondents to permit the petitioners to complete the 15 items of work mentioned in the impugned order within a time frame.

2.Since common issues and grounds are raised in both the writ petitions and the relief is also similar, both the writ petitions are disposed of by this common order.

3.The petitioners are registered contractors and have executed many works to the satisfaction of the authorities concerned. In 2014, the petitioners were issued with certain items of work under contract and it appears that the petitioners have completed only few items of work. Since the petitioners could not complete the work entrusted to them in full, the third respondent vide order dated 17.12.2015 sought to cancel the work given to the petitioners.

4.Though the writ petitions challenge the order of cancellation, at the time of arguments the learned counsel appearing for the petitioners submitted that the petitioners would be satisfied if the amount is settled on the basis of completion of work by the petitioners. Therefore, the learned counsels appearing for the respondents were directed to get instruction on that.

5.Today, when the matter was taken up for hearing, Mr.M.Rajarajan, the learned counsel appearing for the 5th respondent produced the proceedings of the 5th respondent dated 24.03.2017, indicating the amounts due to the petitioners for completion of respective work.

6.In view of the submissions made by the learned counsel for the official respondents, the fifth respondent is directed to disburse the amount to the respective petitioners as per his proceedings dated 24.03.2017, within a period of four weeks from the date of receipt of a copy of this order.



7. With the above directions, these Writ Petitions are closed. Consequently, connected Miscellaneous Petitions are also closed. There shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Town Panchayats,
Directorate of Town Panchayats,
Kuralagam, Chennai - 108.
2. The District Collector,
Thoothukudi District,
Thoothukudi.
3. The Assistant Director of Town Panchayats,
Tirunelveli Region,
Tirunelveli District.
4. The Assistant Executive Engineer,
Town Panchayats,
Tirunelveli Region,
Tuticorin District.
5. The Executive Officer,
Kalugumalai Town Panchayat,
Kalugumalai,
Tuticorin District.
6. The President,
Kalugumalai Town Panchayat,
Kalugumalai,
Tuticorin District.

+1cc to M/S. Niranjan S. Kumar , Advocate SR.No.51794

W.P (MD) Nos. 397 and 398 of 2016
11.04.2017

JM/JC/21.04.2017/3P/8C