



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.11.2017

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P(MD) No.14064 of 2011

N.Ponnaiyan

... Petitioner

-vs-

1. The Superintending Engineer,
(Highways), Tirunelveli-2.
2. The Divisional Manager,
Highways,
Construction and Maintenance,
Nagercoil, Kanyakumari District.
3. The Assistant Divisional Engineer,
Highways,
Construction and Maintenance,
Kuzhithurai, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to refund the fine amount of Rs.75,000/-, which was recovered on 31.12.2010 with interest to the petitioner by considering the letter sent by the third respondent vide Ka.No.Ve.Ko.2010-2011/A.2 dated 27.05.2011.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.T.S.Mohamed Mohideen
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the second respondent to refund the fine amount of Rs.75,000/-, which was recovered on 31.12.2010 with interest to the petitioner by considering the letter sent by the third respondent vide Ka.No.Ve.Ko.2010-2011/A.2 dated 27.05.2011.

2.Heard the learned counsel on either side.

3. The case of the petitioner is that he was awarded a tender for construction of small bridges between Kuzhivilai and Nambali Road and he was not able to commence his work on account of non-removal of electricity poles in time and also heavy rainfall. Through the 2nd respondent has extended the period of construction work on 31.12.2010, an order of recovery to a sum of



Rs.75,000/- was passed. On representation, the 3rd respondent sent a letter dated 27.05.2011 to the 2nd respondent for refund of the fine amount, despite which, no action has been taken so far. Aggrieved by the same, the petitioner is before this Court seeking the above prayer.

WEB COPY

4. Considering the facts and circumstances of the case, this Court, without going into the merits of the matter, directs the 2nd respondent to consider the claim of the petitioner in respect of refund of fine amount, if not already considered and pass necessary orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, keeping in mind the proceedings of the 3rd respondent dated 27.05.2011.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To:

1. The Superintending Engineer,
(Highways), Tirunelveli-2.
2. The Divisional Manager,
Highways,
Construction and Maintenance,
Nagercoil,
Kanyakumari District.
3. The Assistant Divisional Engineer,
Highways,
Construction and Maintenance,
Kuzhithurai,
Kanyakumari District.

+1cc to M/S.Special Government Pleader,SR. 89084

AR

KK/JC/SAR 4/06.12.2017/ 2P- 5C

W.P (MD) No.14064 of 2011
21.11.2017