

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1602 OF 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an appropriate writ or order or direction, one in the nature of Writ of Mandamus i) declaring the action of the 1st & 2nd respondents in not paying the due amounts to the petitioner for supply of Electrical and Water Supply material to them, as per their request is arbitrary, illegal, unreasonable, and violative of Art.14 & 21 of Constitution of India and consequently a direction may be issued to the respondents to pay the due amount as per the bills dt.20.11.2005 and 20.07.2007 and a representation dt.11.12.2008. ii) Costs be awarded and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Case of the petitioner is that respondent No.5 is not paying the amounts due to it for supply of Electrical and Water Supply material as per the resolutions passed by Kalwakurthy Grampanchayat.

3. Learned Standing Counsel appearing for respondent No.5 filed counter stating that till date, respondent No.5 did not receive any clarity in respect of the amount payable to the petitioner; that the District Panchayat Officer, Mahaboobnagar, the Divisional Panchayat Officer, Nagarkurnool, the Mandal Parishad Development Officer, Kalwakurthy and the Panchayat Secretary, Kalwakurthy jointly furnished the bills regarding the assets, liabilities, ongoing and outstanding works, but the bills of the petitioner were not mentioned by them in the outstanding bill list;

that respondent No.5 has no records or cash books pertaining to procurement and utilization of materials, as the records were not submitted by the then Grampanchayat, and that even as per the reports of D.L.P.O. and M.P.D.O., there is a variation regarding the amount payable to the petitioner.

4. Considering all the facts and circumstances of the case and in view of the fact that taking into consideration the report submitted by the District Panchayat Officer, the respondents paid a sum of Rs.12,37,348/- to the petitioner and according to the petitioner, some more amount is to be paid to it and as learned Standing Counsel submitted that if the petitioner produces relevant documents, its claim would be considered in continuance of the report filed by the District Panchayat Officer, the petitioner is hereby directed to make a representation to respondent No.5 seeking its claim along with all relevant documents within a period of thirty (30) days from the date of receipt of a copy of this order and on such representation being made, respondent No.5 shall dispose of the same as expeditiously as possible.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 22.8.2017
AMD

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