

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

C O R A M

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.2212 of 2009

Munirathinamma
W/o. Venkatappa

... Petitioner

Vs

1. The President
Thorapalli Village Panchayat
Hosur Taluk, Krishnagiri.
2. The block Development Officer,
Panchayat Union Office,
Hosur Town & Taluk
3. The Assistant Director
Rural Development (Panchayats)
Krishnagiri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to disburse the amount due and liable to be paid to the petitioners to be paid Rs.3,91,000/- together with interest at the rate of 18% per annum on and from the date of death of the petitioner's husband on 03.12.2001

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.A.Arumugam for R1 & R2
Mr.R.S.Selvam
Government Advocate for R3

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O R D E R

The petitioner prayed for Writ of Mandamus directing the respondents to disburse the amount due and liable to be paid to the petitioners i.e., Rs.3,91,000/- together with interest at the rate of 18% per annum on and from the date of death of the petitioner's husband on 03.12.2001

2. The case of the petitioner is that she is the wife of Venkatappa, residing at 26/A, Higher Secondary School Road, Denkanikotta Town and Taluk, Krishnagiri District and she would contend that her husband Venkatappa was a registered contractor and had done various projects in the above said Village. She would further contend that her husband while working in the said Village was appreciated by the Villagers and the respondents used to allocate the projects in the said Village to him. Her husband was the successful tenderer for the project of laying of pipeline work and platform work for the pipeline work in Gudisadanapalli, Gollapalli, Lakshimipuram and Pennamadam. He had deposited a sum of Rs.30,000/- towards earnest money deposit with the respondents prior to commencement of all the work. The petitioner would submit that she and her children namely Sivasankar, Eswaran and Bharathi are the legal heirs of the said Venkatappa. As per the tender conditions the work was completed at the cost of Rs.3,61,000/- for the said project. He also given the amount spent regarding the pipeline work in Gudisaadanapalli, Gollapalli, Lakshimipuram & Pennamadam at Rs.2,44,000/- and Platform work for the pipeline in the aforesaid place at Rs.1,17,000/- and E.M.D amount of Rs.30,000/- . Though he had completed the project, the respondents had failed to make payment. The projects were carried out during the year 1998-2001 and her husband died on 03.12.2001. She approached the respondents, but the amount has not been paid to the petitioner. The first respondent informed her that the work was carried out during the term of the previous president and he cannot disburse the due amount without obtaining permission from the competent authorities. Hence, she approached the third respondent and he directed the second respondent vide an order in Na.Ka.5443/2003 A2 dated 29.01.2004 to disburse the amount, which is due and liable to be paid. On receipt of the communication from the third respondent, the Block Development Officer, Hosur, has informed the first respondent to pass a resolution with respect to the payment to be made, Vide, proceedings in Na.Ka.No.424/2004 E2 dated 18.02.2004, but the respondents have not disbursed the said amount to the petitioner. She made a detailed representation to the respondents but there was no reply and no other objections from the respondents. The petitioner sent a legal notice on 21.07.2008 seeking for the payment of Rs.3,91,000/- together with interest. In respect of the said advocate notice, the authorities concerned have not considered the case in a sympathetic manner and the petitioner is struggling for the past 11 years to eke out her day to day life and their family. Hence, the petitioner filed this petition with three grounds being raised:

- (i) That the respondents cannot withhold the amount payable to these petitioners for more than 8 years for no

reasons.

- (ii) That the respondents ought to have seen that Thiru.Venkatappa had completed the project in time and there is no reason to drag on the proceeding.
- (iii) Even after the recommendations from respondents 2 and 3 the payment is delayed for years together.

3. The learned counsel for the respondents would submit that the work was of the year 2001 and details regarding the work done or the measurement details were not found. Though EMD amount was paid by the husband of the petitioner without any details regarding the work done by the husband of the petitioner and the amount spent, having been not specified, the respondents cannot disburse any amount to the petitioner. He would also submit that no records are found while they searched for the same and they seek some more time.

4. The learned counsel for the respondents would also submit that if the petitioner produces the relevant documents regarding the project, after considering the same, necessary orders would be passed within a period of eight weeks from the date of receipt of a copy of this order.

5. In the light of the above facts and the submission of the learned counsel on either side, the petitioner is directed to make a fresh representation by enclosing the relevant documents regarding the work done and the amount spent, etc. and materials in possession of the petitioner, along with the death certificate of her husband within a period of two weeks from the date of receipt of a copy of this order. On such compliances by the petitioner, the respondents shall consider the same and pass orders in accordance with law within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

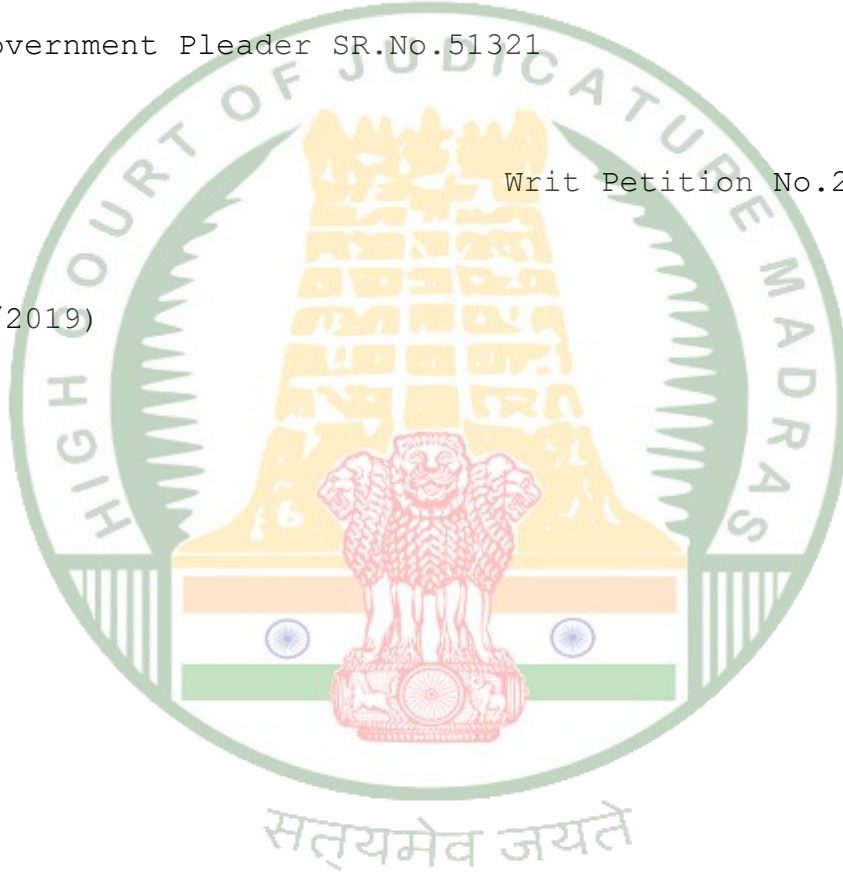
1. The block Development Officer,
Panchayat Union Office,
Hosur Town & Taluk
2. The Assistant Director
Rural Development (Panchayats)
Krishnagiri.

+1cc to Mr.A.Arumugam, Advocate SR.No.51154

+1cc to Government Pleader SR.No.51321

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RSI (CO)
GMY (12/02/2019)



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