

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.12637 of 2013

V.Rajan  
R.Vasanth

.. Petitioners

Vs.

1.The District Collector,  
Collectorate, Vellore District.

2.The District Planning Officer,  
District Rural Development Agency,  
Collectorate, Vellore District.

3.The Block Development Officer,  
Vellore Union, Vellore District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the third respondent to pay the amount to petitioners which was excessively deducted by the third respondent against the value of the cement bags allotted to the petitioners and to file income tax returns on behalf of petitioners for the respective year, 2009-2011 for which the money was already deducted by the third respondent.

For Petitioners : Mr.P.Vijendran

For Respondents : Mr.B.Anand

Government Advocate for R1 and R2

No appearance for R3

O R D E R

Heard Mr.P.Vijendran, learned counsel for the petitioners; Mr.B.Anand, learned Government Advocate for the respondents 1 and 2 and perused the materials available on record. Despite service, the third respondent has not chosen to appear and contest the petition.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the third respondent to pay the amount to the petitioners, which was excessively deducted and to file Income Tax Returns on behalf of the petitioners for the respective year 2009-11.

3. According to the petitioners, they are Government recognized contractors and they have been doing various contract works for the third respondent since 2007. The further case of the petitioners is that the contractors should get raw materials from the State godown / warehouse. Accordingly, they got raw materials from the said warehouse, when they execute the contract and the cost of cement bags would be deducted by the third respondent while issuing the bill.

4. It is alleged that the third respondent has deducted more amount from the account of the petitioners and also failed to file Income Tax Returns for the petitioners. The representations dated 28.12.2011 and 20.02.2012 of the petitioners were not responded.

5. The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the third respondent to pass orders on the representation of the petitioners.

6. The learned Government Advocate submitted that the third respondent is the Competent Authority and he may be directed to consider the grievance of the petitioners.

7. In the light of the above submission and also considering the facts of this case, this Court, without going into the merits of the case, directs the third respondent to consider the representation of the petitioners dated 20.02.2012 and pass appropriate orders on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

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DeputySd/-  
Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,  
Collectorate, Vellore District.

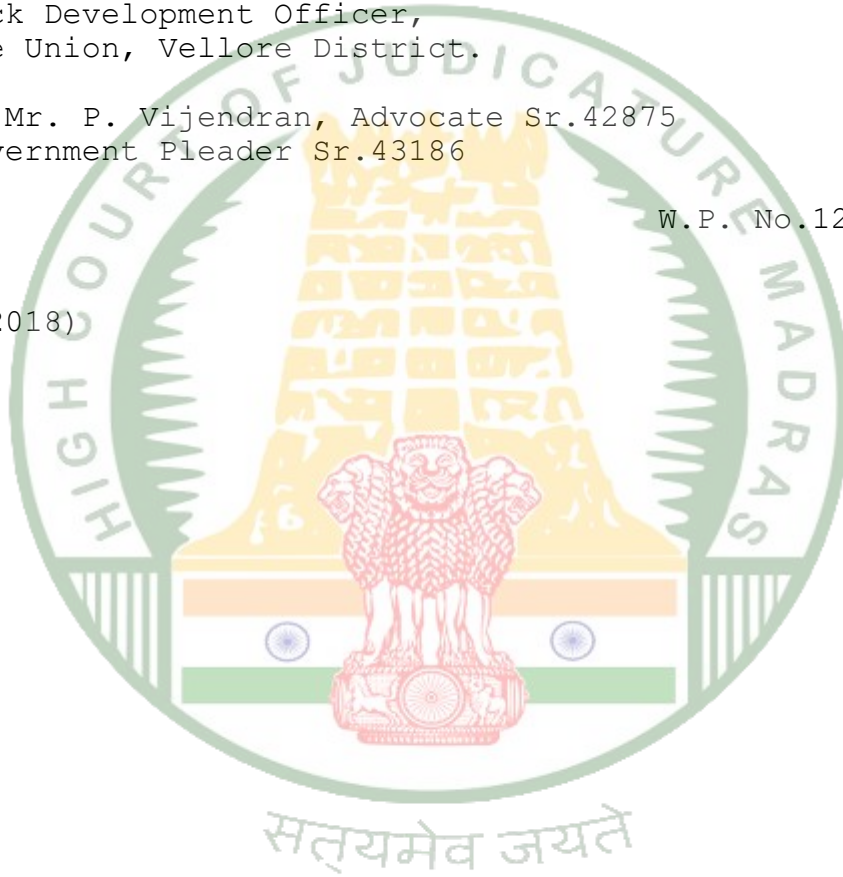
2.The District Planning Officer,  
District Rural Development Agency,  
Collectorate, Vellore District.

3.The Block Development Officer,  
Vellore Union, Vellore District.

+ 1 cc to Mr. P. Vijendran, Advocate Sr.42875  
+ 1 cc Government Pleader Sr.43186

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(CS-DR)  
EU(13/07/2018)



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