



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2018

C O R A M

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.12096 of 2018

P.Balakrishnan

... Petitioner

Vs.

1. The Commissioner of Municipal Administration
Ezhilagam Annex
5th Floor, Chepauk,
Chennai- 5.

2. The Regional Directorate of Municipal
Administration
Ram Popular Salai
Manakavalampillai Nagar
CSI Bell pins
Tirunelveli.

3. The Commissioner
Colachel Municipality
Colachel
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus directing the respondents to pay a sum of Rs.5,44,900/-with interest at the rate of 12 % per annum to the petitioner for the works done by the petitioner from the third respondent municipality on the basis of the representation dated 14.12.2017 and the notice dated 12.01.2018 issued by the advocate.

For Petitioner : Mr.R.Murugan

For Respondents

No.1 and 2 : Mr. V.Anand
Government Advocate

No.3 : Mr. Aathimoola Pandian

O R D E R

The petitioner has filed this present writ petition for issuance of writ of mandamus directing the respondents to pay a sum of Rs.5,44,900/- with interest at the rate of 12% per annum for the works done by him for the third respondent municipality.



2. The petitioner is a Government contractor. He states that he has done several works for the third respondent municipality without any defects in the works undertaken and executed by him for the third respondent municipality.

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3. It appears that the third respondent has withheld several amount for various works which were paid as security deposit and additional security deposit. It is stated that the additional security deposit withheld is to the tune of Rs.2,84,900/-, apart from the amount which was lying with the third respondent as security deposit. The learned counsel for the petitioner further states that a sum of Rs.2,60,000/- towards the work completed for the third respondent is also due.

4. The petitioner has sent a representation dated 14.12.2017 to the second respondent and further representation was also sent to the third respondent. Though the second and third respondents have received the representations it is stated by the petitioner that the respondents have not considered the petitioner's representations.

5. Having regard to the facts narrated by the petitioner and the grievance expressed him, without going into merits of the case, this Court is inclined to pass the following directions:

i) The third respondent is directed to consider the petitioner's representation dated 14.12.2017 and to disburse the amount due to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

ii) In case there is any dispute with regard to the quantum, the third respondent is directed to pass reasonable orders after giving due opportunity to the petitioner. This exercise shall also be done within a period of eight weeks from the date of receipt of a copy of this order.

iii) It is stated that the Commissioner is not there in the office. Hence any one functioning as Commissioner on ad hoc basis shall be abide by the above directions.

6. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

1. The Commissioner of Municipal Administration
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5th Floor, Chepauk,
Chennai- 5.

2. The Regional Directorate of Municipal Administration
Ram Popular Salai
Manakavalampillai Nagar
CSI Bell pins
Tirunelveli.

+1cc to Mr.R.Murugan, Advocate Sr.No.69256

AAV

VB/PN/SAR4/03.07.2018/3P/4C

W.P. (MD) No.12096 of 2018
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