



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.12479 of 2018

T.T.K.Construction
rep.through its
Managing Partner
T.Thanikodi
New No.5/1
Mayilagam
Thirumukkulam South Street
Tallakulam, Madurai-625 002

... Petitioner

vs.

The Commissioner
Madurai Corporation
Aringnar Anna Maaligai
Tallakulam
Madurai-625 002

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent to consider the petitioner's representation, dated 26.04.2018 and to release the retention amount of Rs.12,92,448/- (Rupees twelve lakhs ninety two thousand four hundred and forty eight only) to the petitioner within a stipulated period.

For Petitioner : Mr.Babu Rajendran
For Respondent : Mr.V.Anand
Government Advocate

O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for the respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that their representation dated 26.04.2018 seeking to release the retention amount of Rs.12,92,448/- (Rupees twelve lakhs ninety two thousand four hundred and forty eight only), has not been considered by the respondent till date and therefore, they have filed the present writ petition.



4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondent is duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of his office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct him to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the respondent to consider the petitioner's representation dated 26.04.2018 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject matter.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

The Commissioner,
Madurai Corporation,
Aringnar Anna Maaligai,
Tallakulam,
Madurai-625 002.

+ 1 CC TO Mr.BABU RAJENDRAN, ADVOCATE IN SR No. 67746

KRK

TE/JC/SAR-4 : 26/06/2018 : 2P/3C

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