

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.01.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.11661 of 2013

J.Ramakrishnan

... Petitioner

Vs

1. The Member Secretary,
The Pondicherry Institute of
Post-Matric Technical Education,
(PIPMATE), Lawspet, Puducherry - 605 008.

2. The Executive Engineer,
The Pondicherry Institute of
Post-Matric Technical Education,
(PIPMATE), Lawspet, Puducherry - 605 008. ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.3,35,250/- (Three Lakhs thirty five thousand and two hundred fifty) with accrued interest from the date of due to the date of realization of the entire amount, within a time frame.

For Petitioner : Mr.Ma.P.Thangavel

For Respondent 1 : Mr.T.M.Naveen

Respondent 2 : Dismissed vide Court order
dated 03.06.2015.

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O R D E R

This writ petition is for a writ of Mandamus directing the respondents to pay a sum of Rs.3,35,250/- with accrued interest from the date due till date of realization of the entire amount.

2. The writ petitioner is a civil contractor registered with the Public Works Department, Pondicherry carrying on the business of construction and infrastructural activities. The writ petitioner entered into a contract with Pondicherry

Institute of Post Matric Technical Education (PIPMATE) for construction of false ceiling for the LRVC room in the Basic Science & Library room in the Administrative Block. This included lowering fans and tube lights by providing down take pipe at WPTC Lawspet, Pondicherry.

3. Contract was entered into on 20.11.2003. The work had been completed within one month from 20.11.2003. The work was done undisputedly. The writ petitioner called upon the respondent to settle the bills raised by it. The writ petitioner has filed a letter dated 07.06.2009 sent by the respondents, whereby the respondents have stated that the bills have not been settled due to the paucity of funds and that necessary arrangements would be made. The counsel for the respondent has raised objection stating that the letter is fabricated.

4. The writ petition is filed on 17.04.2013. The respondents have filed a counter affidavit. In the counter affidavit, they have stated that the writ petition cannot be entertained and that the petitioners should have filed a civil suit within three years. It was also stated in the counter affidavit that after the completion of the civil works, PIPMATE had woundup the said Engineering Cell on 31.01.2009. The Executive Engineers and others working in the said Cell, had been repatriated to the parent department. The counter states that there are no records available and there is no reference about any amount due and payable to any of the contractors including, to the petitioner. The respondents are denying the liability.

5. Heard the counsel for the parties.

6. The admitted facts are that the contract was awarded on 20.11.2003. The work was executed within the stipulated period, which is December 2003. Had the petitioner filed the recovery suit, the same should have been filed within three years of the presentation of the final bills. The writ petition has been filed in the year 2013, 10 years after work is completed.

7. It is well settled that writ jurisdiction cannot be invoked for the recovery of debts which are time barred. In view of the admitted facts, the writ petition is not maintainable. The writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gsp/Pkn

To

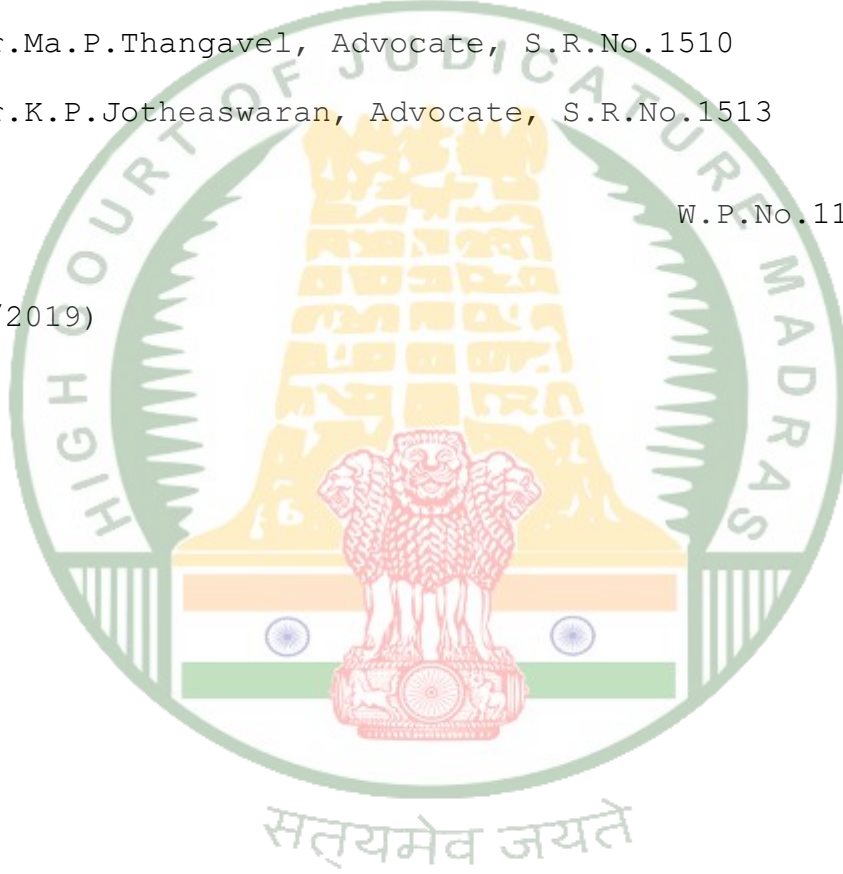
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(PIPMATE), Lawspet, Puducherry - 605 008.

+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.1510

+1cc to Mr.K.P.Jotheaswaran, Advocate, S.R.No.1513

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AD(CO)
GSP(11/02/2019)



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