

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.35095 of 2013

V.Mahandra Mani

.. Petitioner

Vs

- 1.The Director of Town Panchayat,
Kuralagam, Chennai - 104.
 - 2.The Executive Officer,
Town Panchayat, Porur (H),
Now, absorbed by Chennai Corporation,
Rep. By the Assistant Commissioner,
Zone - 11, Chennai Corporation,
Valasaravakkam, Chennai - 87.
 - 3.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.
 - 4.The Zonal Officer,
Zone-11, Chennai Corporation,
Valasaravakkam, Chennai - 87.
 - 5.The Executive Engineer,
Zone-11, Chennai Corporation,
Valasaravakkam, Chennai - 87.
 - 6.The Assistant Executive Engineer,
Zone-11, Chennai Corporation,
Valasaravakkam, Chennai - 87.
(R3 to R6 are impleaded by TSSJ
vide WMP.No.22165/18 in
W.P.No.35095/13, dt.06.02.2020)
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to consider his representation dated 09.10.2013 to pay the payable agreed amount vide proceedings of the second respondent in Na.Ka.No.54/2010/A1, dated 09.07.2010.

For Petitioner : Mr.A.Ilayaperumal
For R1 : Mrs.A.Sri Jayanthi, Spl. GP
For R2 to R6 : Mr.M.Ganesh, Standing Counsel

ORDER

Heard Mr.A.Ilayaperumal, learned counsel for the petitioner, Mr.M.Ganesh, learned Standing counsel for the respondents 2 to 6 and Mrs.A.Sri Jayanthi, learned Special Government Pleader for the first respondent.

2. The petitioner is a contractor, who has performed three construction works, namely, construction of compound wall, improvement of baby bond and construction of retaining wall, at Mandakulam in Porur Town Panchayat area, to the tune of Rs.50,25,000/-. The petitioner stated to have completed the work to the fullest satisfaction of the Town Panchayat, yet, the payment has not been settled in full. Therefore, the petitioner submitted a representation to the authorities, but, since there was no response, the petitioner has filed the present writ petition.

3. Learned Standing counsel appearing for the respondent Corporation submitted that two letters have been sent to the Assistant Director of Town Panchayats, Thiruvallur, dated 09.07.2014 and 11.09.2015, calling for the entire records relating to the claim of the petitioner, so that the Corporation of Chennai would be able to defend the matter suitably. Learned Standing counsel submitted that till date, no response was received by the Chennai Corporation, presumably, because the records may not be available.

4. Since the area in question has been annexed to the Greater Chennai Corporation, all the assets and liabilities from the erstwhile Town Panchayat or local body shall stand fastened to the Greater Chennai Corporation. By way of illustration, assuming that the property tax payable by the owners of the property under the erstwhile Porur Town Panchayat had not been paid, then the respondent Corporation would be entitled to recover the same after the area got annexed to their jurisdiction. The same analogy will apply to the case of the petitioner as well, because, the petitioner performed the works for the Town Panchayat. Now, the Town Panchayat has merged with the Greater Chennai Corporation. Therefore, dues, if any to be settled to the petitioner, shall be settled by the Greater Chennai Corporation. Since no records are available, the Court is of the view that the petitioner can be directed to produce all the records to substantiate that he has completed the work and he is entitled to the remaining payment.

5. In the light of the above, the writ petition is disposed of by directing the petitioner to submit a representation to the fourth respondent/Zonal Officer, Zone-11, Chennai Corporation, Valasaravakkam, Chennai, clearly setting out the work performed by him and how much payment received and the balance payment to be payable by the Corporation. Along with the representation, the petitioner should enclose all the records to show that the work has been completed or partially completed at his end. On perusal of such representation, the fourth respondent is directed to call the petitioner for personal hearing and peruse the original records and place appropriate proposal to the Commissioner, Corporation of Chennai, Chennai/third respondent, and if the petitioner is entitled for the payment, necessary orders to be passed in this regard on merits and in accordance with law. The direction shall be complied with within a period of three months from the date on which the petitioner submits his representation. No Costs. M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

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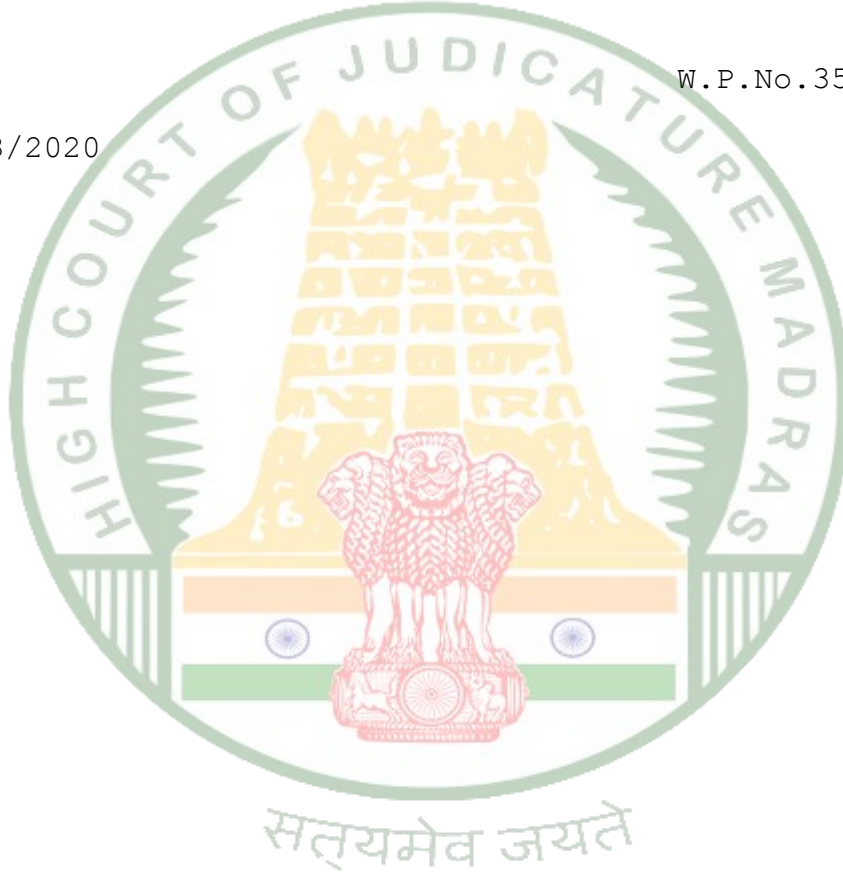
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6.The Assistant Executive Engineer,
Zone-11, Chennai Corporation,
Valasaravakkam, Chennai - 87.

+1cc to Mr.Ganesan, Advocate, SR.No.10305.
+1cc to Government Pleader, SR.No.10373.

W.P.No.35095 of 2013

RK(CO)
CSR: 11/03/2020



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