



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.1112 of 2020

and

W.M.P (MD)No.893 of 2020

S.Sundari

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Principal Secretary,
Department of Municipal Administration and Water
Supply Department, Chennai-9.
2. The Commissioner for Municipal
Administration and Water Supply Department,
O/o.The Commissioner for
Municipal Administration and
Water Supply Department,
Chennai-9.
3. The Regional Director of Municipal
Administration,
Office of the Regional Director of
Municipal Administration,
Kochaidai, Madurai-16.
4. The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents to pay the amount for the work executed by the Petitioner in pursuant to the work order issued by the fourth respondent vide his proceeding in Na.Ka.No.1675/2017/C1, dated 1.6.2017 and by considering the Petitioner's representations dated 8.10.2018 and 21.11.2019 within the time fixed by this Court.

For Petitioner

: Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents

: Mrs.J.Padmavathi Devi
Special Govt.Pleader

1 to 3

For Respondent-4

:Mr.M.Mahendran
Standing Counsel

**ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to pay the amount for the work executed by the Petitioner in pursuant to the work order issued by the fourth respondent vide his proceeding in Na.Ka.No.1675/2017/C1, dated 1.6.2017 and by considering the Petitioner's representations dated 8.10.2018 and 21.11.2019 within the time fixed by this Court.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the petitioner is that the Petitioner is a Class-I Contractor and vide his proceedings, dated 1.6.2017, the fourth respondent has granted work order for the purpose of construction of a compound wall around the Fertilizer Go-down in U.Vadipatti. As per the instruction of the officers concerned, the Petitioner has also completed the work by September 2017 itself. Even though the Petitioner has approached the fourth respondent in person requesting him to pay the amount for the construction work done, the same was not paid to him. Due to some construction made adjacent to the compound wall by another contractor, the wall constructed by the Petitioner got damaged and hence an enquiry notice was issued to the Petitioner by the fourth respondent and the Petitioner has also appeared before the Enquiry Officer and explained the facts in detail. After accepting the explanation of the Petitioner, the third respondent had orally informed the fourth respondent to pay the amount for the construction done by him. In this regard, the Petitioner has submitted a representation on 8.10.2018 to the fourth respondent and also yet another representation on 21.11.2019 to the same authority. The same is said to be still pending. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

4. Therefore, without expressing any opinion on the merits of the claim made by the petitioner, the fourth respondent is directed to consider the representations of the petitioner, dated 08.10.2019 and 21.11.2019 and pass appropriate orders on the same, on merits and in accordance with law, after giving due opportunity of hearing to all the parties concerned, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

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1. The Principal Secretary,
Government of Tamil Nadu,
Department of Municipal
Administration and Water
Supply Department,
Chennai-9.
2. The Commissioner for Municipal
Administration and Water Supply Department,
O/o. The Commissioner for
Municipal Administration and Water
Supply Department, Chennai-9.
3. The Regional Director of
Municipal Administration,
Office of the Regional Director of
Municipal Administration,
Kochaidai, Madurai-16.
4. The Commissioner,
Usilampatti Municipality,
Usilampatti,
Madurai.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-5983[F] dated 12/02/2020)
+1 CC to M/s.SPL.GP (SR-6332[F] dated 14/02/2020)
+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6209[F]

ORDER MADE IN
W.P(MD)No.1112 of 2020
and
W.M.P(MD)No.893 of 2020
12.02.2020

SMA/25/02/2020/3P/8C