



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12482 of 2020

and

W.M.P. (MD)No.10665 of 2020

M.Arumugam

... Petitioner

-Vs-

1.The Executive Director,
Tamil Nadu Water Supply and Drainage Board,
TWAD House, 5, Kamarajar Salai Rd,
PWD Estate, Chepauk, Triplicane,
Chennai-600 005.

2.The Chief Engineer,
TWAD Board,
1/1 Sambakulam, Ganesh Nagar,
Opp., Mattuthavani Bus Stand,
Melur Road, Madurai.

3.The Superintendent Engineer,
TWAD Board, Weekly Market Road,
Sivagangai.

4.The Executive Engineer,
TWAD Board, Ramanathapuram.

5.The Assistant Works Engineer,
TWAD Board, Ramanathapuram.

6.The Assistant Engineer,
TWAD Board, (Ramnad CWSS),
Project Sub Division, Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to process the bill raised by the petitioner for the work completed for Package VII-A as found in M.Book No.285-A, 287-A and 289-A maintained by the third respondent pertaining to maintenance of the water works at various places within the Kamuthi Union as per the consolidated bill raised under representation dated 20.01.2020 along with interest at the rate of 18% per annum from the date of bill till the date of disbursement.



For Petitioner : Mr.K.R.Laxman
For Respondents: Ms.Porkodi Karnan,
Standing Counsel.

WEB COPY

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent board.

2.The petitioner is a registered contractor. He had also registered himself with the respondent board. The respondent board had entrusted the petition mentioned contract work with the petitioner in the year 2017-18. The case of the petitioner is that he had completed the work. It appears that since M-Book and bill had not been forwarded, his payment has been withheld. The petitioner has given representation in this regard to the fourth respondent. The fourth respondent appears to have addressed a letter dated 27.01.2020 to the sixth respondent. But, nothing appears to be forthcoming. Therefore, the petitioner has filed this Writ Petition.

3.The learned Standing Counsel for the respondent board submitted that this Court may not exercise its jurisdiction under Article 226 of the Constitution of India since the subject matter pertains to contract works.

4.I am of the view that the respondent being a State Undertaking ought to follow the principle of fairness in all its dealings. The field of contract cannot be an exception. Here is a case where the contractor asserts that he had completed the work. Therefore, the process of payment cannot be put on hold. I therefore direct the respondents to consider the petition mentioned representation and if his claim is found to be correct, disburse the payment due to him within a period of eight weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition W.M.P.(MD)No.10665 of 2020 is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO:

- 1.The Executive Director,
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+1cc to Ms.Porkodi Karnan, Advocate Sr.No.19125

W.P. (MD)No.12482 of 2020

SS (CO)

NR (06/01/2020) 3P : 8C