



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.Nos.1668 and 1669 of 2021
and C.M.P.Nos.10535 and 10536 of 2021

- 1.The Union of India,
Rep. by the Chief Secretary to Government,
Government of Pondicherry,
Pondicherry.
- 2.The Secretary,
Department of Finance,
Government of Pondicherry,
Pondicherry.
- 3.The Secretary,
Adi Dravidar Welfare Department,
Government of Pondicherry,
Pondicherry.
- 4.The Director,
Adi Dravidar Welfare Department,
Government of Pondicherry,
Pondicherry.
- 5.The Managing Director,
Pondicherry Adi Dravidar Development
Corporation (PADCO),
No.30, 11 Cross PON Nagar,
Reddiarpalayam, Pondicherry

.. Appellants
in both Writ Appeals

Vs

K.S.Mani Electricals
Rep. by its Proprietor,
K.Subramanian,
No.50, III Cross, Velmurugan Nagar,
Kuyavarpalayam,
Puducherry.

.. Respondent
in W.A.No.1668 of 2021



G.Kuppusamy & Co.
Represented by its Proprietor
J.Vijayagamurthy
No.16, III Cross, Gandhi Nagar,
Puducherry - 9.

.. Respondent
in W.A.No.1669 of 2021

Appeals filed under Clause 15 of Letters Patent against the order dated 21.12.2020 made in W.P.Nos.32054 and 32056 of 2019.

Prayer in W.P.Nos.32054 and 32056/2019

Writ Petitions under Article 226 of the constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ Directing the respondents 4 and 5 to release the funds under the Civic and Basic Amenities Funds to the petitioner towards the installation of High Mast Lighting system and availing External Service Connection at various places in Pondicherry and Karaikal and further in changing of the 400 W High Mast light in to LED light fittings as specified by the 5th respondent in letter 05/09/2017 within time frame as fixed by this Honourable Court deems fit and proper (in W.P.No.32054/2019).

For Appellants : Ms.N.Mala,
Government Pleader (Puducherry)
in both cases

For Respondent : Mr.V.Raghavachari
for Mr.B.Balavijayan
in both cases

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

These two appeals arise out of the interim order passed by the learned Single Judge directing the appellants to pay 50% of the amount for the work done by the respondent(s)/writ petitioners.

2. Ms.Mala, learned Government Pleader (Puducherry) appearing for the appellants submitted that the work has been given in favour of the respondent(s)/writ petitioners without the work orders. A Committee has been constituted to go into the alleged irregularities committed and until and unless the reports are obtained after due investigation, there is no question of releasing the amount.



3. Mr.V.Raghavachari, learned counsel appearing for the respondent(s) submitted that the letters of the Executive Engineer of the fifth appellant dated 14.03.2017, 31.03.2017 followed by the letter of Managing Director of the said appellant would indicate the assignment of the work followed by completion. Similarly, the aforesaid facts pertaining to W.A.No.1668 of 2021 are on the same line with the other writ appeal. Thus, inasmuch as the works having been completed, the order passed by way of an interim measure is not required to be interfered with.

4. By way of reply, learned Government Pleader appearing for the appellants submitted that the writ petitions are likely to be taken up for final hearing and therefore, the order passed will have to be set aside.

5. These appeals are filed against the interim order passed by the learned Single Judge. On a perusal of the order, we find that the work was indeed done though it may not be in accordance with the procedure, rule and to the satisfaction of the appellants. However, we are at the interim stage. As of now, for the work done, the respondent(s)/writ petitioners have not been paid. We do not know as to whether any action has been taken against the officials who allegedly acted in collusion with the respondent(s)/writ petitioners. The communication between the parties are not denied or disputed with respect to the green signal given to proceed and conclude the work.

6. Thus, taking into consideration the above, we are inclined to modify the orders passed to the effect that the appellants will have to pay one-third of the amount indicated in the communication sent to the respondent(s)/writ petitioners within a period of four weeks from the date of receipt of a copy of this judgment subject to the condition that the respondent (s)/writ petitioners shall give bank guarantee. We make it clear that these orders are subject to the final orders to be passed in the writ petitions. We request the learned Single Judge who is dealing with the Roster to make an endeavour to dispose of the writ petitions at an early date.

7. With the above observation, the writ appeals stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm



To

1.The Chief Secretary to Government,
The Union of India
Government of Pondicherry,
Pondicherry.

2.The Secretary,
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5.The Managing Director,
Pondicherry Adi Dravidar Development
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No.30, 11 Cross PON Nagar,
Reddiarpalayam, Pondicherry
Pondicherry.

Copy to
The Section officer,
Writ posting,
High Court, Madras-104.

+1cc to Mr.B.Balavijayan, Advocate (SR No.34271)

+1cc to Government Pleader, Puducherry (SR Nos.33472, 33473)

W.A.Nos.1668 and 1669 of 2021

KV (CO)
PR (23/07/2021)