

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Rev.Appl.Nos.126 & 127 of 2021
and C.M.P.Nos.15349 & 15352 of 2021

- 1.The Union of India,
Represented by the Chief Secretary,
Government of Puducherry,
O/o. Chief Secretariat, Puducherry.
- 2.The Secretary,
Department of Finance,
Government of Puducherry,
O/o. Chief Secretariat, Puducherry.
- 3.The Secretary,
Adi Dravidar Welfare and Scheduled Tribe
Welfare Department,
Government of Puducherry,
O/o.Chief Secretariat, Puducherry.
- 4.The Director,
Adi Dravidar Welfare and Scheduled Tribe
Welfare Department,
Government of Puducherry,
Thittanchavady, Puducherry – 605 009.

5.The Managing Director,
Puducherry Adi Dravidar Development
Corporation Ltd.,
(The Government of Puducherry Undertaking),
3rd Floor, ADW&STW Building,
Thattanchavady, Puducherry – 605 009.

...Petitioners

Vs

G.Kuppusamy & Co.,
Represented by its Proprietor
J.Vinayagamurthy,
No.16, III Cross, Gandhi Nagar,
Puducherry – 605 009.

...Respondent in
Rev.Appl.No.126 of 2021

K.S.Mani Electricals,
Represented by its Proprietor
K.Subramanian,
No.50, III Cross, Velmurugan Nagar,
Kuyavarpalayam,
Puducherry – 605 008.

...Respondent in
Rev.Appl.No.127 of 2021

Review Applications filed under Order 47 Rule 1 of CPC r/w. Section
114 of CPC to set aside the common judgment dated 15.07.2021 in
W.A.Nos.1668 and 1669 of 2021.

For Petitioners
in both cases : M/s.N.Mala
Government Pleader (Puducherry)

For Respondent
in both cases : Mr.B.Bala Vijayan

COMMON ORDER

T.S.Sivagnanam,J.

Heard M/s.N.Mala, learned Government Pleader (Puducherry) appearing for the petitioners and Mr.B.Bala Vijayan, learned counsel appearing for the respondent.

2.These review petitions have been filed to review the judgment in W.A.Nos.1668 and 1669 of 2021 dated 15.07.2021.

3.The said appeals were filed by the Government of Puducherry challenging an interim orders granted in two writ petitions directing payment of 50% of the amount payable to the writ petitioners for having executed certain works of erection of High Mast light, etc. The Hon'ble

Division Bench by the impugned order had modified the direction issued by the learned Single Bench and directed the Government of Puducherry to pay 1/3rd of the amount indicated within a time frame subject to the condition that the writ petitioners shall give Bank Guarantee and a direction was also issued to list the writ petitions for disposal at an early date.

4.We are informed by the learned Government Pleader (Puducherry) as well as the learned counsel for the respondent/writ petitioner that the writ petitions have been heard on several dates and detailed submissions have been made by both sides and a joint inspection report has also been placed for the consideration of the Court. It is the submission of the learned Government Pleader (Puducherry) that a perusal of the joint inspection report would show that the alleged work which is said to have been executed by the writ petitioner, if quantified will be far less than 1/3rd of the amount which has been directed to be paid.

5.We find that though the respondent were entitled to 1/3rd amount, they will have to execute a Bank Guarantee which in our understanding

would mean that the respondent has to ensure that almost an equivalent amount is lying with the bank for the bank to give a guarantee to the Government of Puducherry. In our considered view, this exercise is unnecessary and it may not be to the advantage of the respondent/writ petitioner.

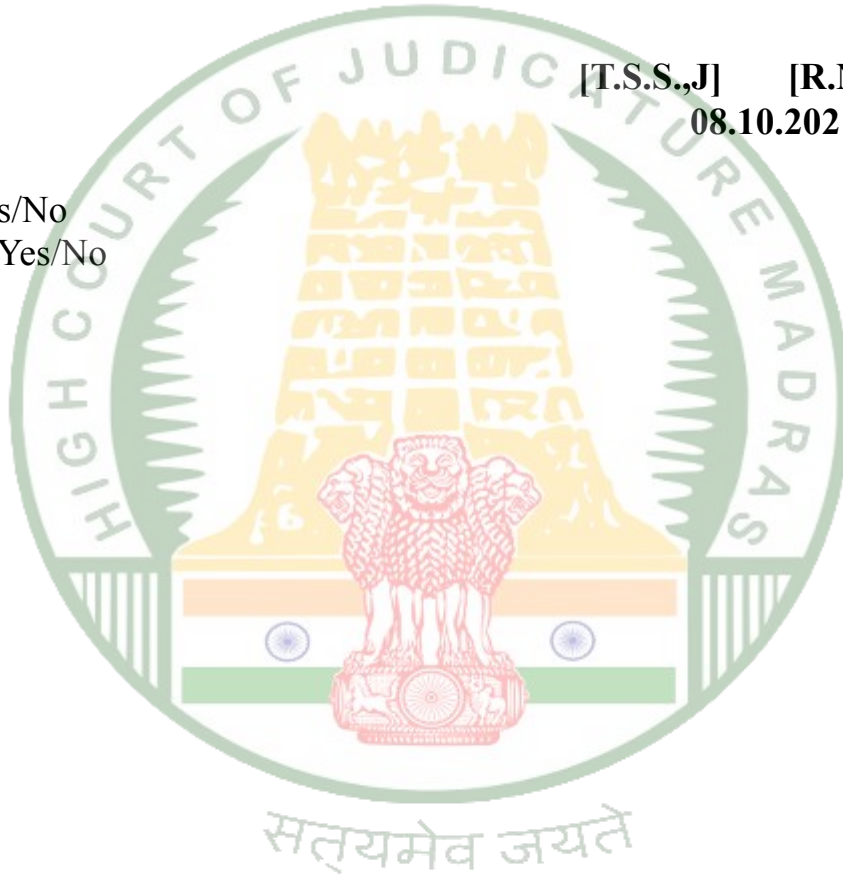
6.Mr.B.Bala Vijayan, learned counsel appearing for the respondent is right in his submission that the respondent was not insisting upon the implementation of the judgment in the writ appeals because they wanted a finality in the matter and simultaneously the writ petitions were taken up for disposal and were heard at great length and should have been listed today [08.10.2021] before the learned Single Bench.

7.In the light of the above, we dispose of the review applications by vacating the direction issued in paragraph No.6 of the order and giving liberty to the petitioner/Government of Puducherry and the respondent/writ petitioner to conclude the argument in the writ petitions as expeditiously as possible.

8.Accordingly, the review applications are allowed. No costs.

Consequently, connected civil miscellaneous petitions are closed.

cse
Index: Yes/No
Internet: Yes/No



[T.S.S.,J] [R.N.M.,J]
08.10.2021

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Rev.Appl.Nos.126 & 127 of 2021

T.S.SIVAGNANAM,J
AND
R.N.MANJULA,J

cse



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