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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.17515 of 2014

K.Dhanasekaran,
Represented by his Power Agent,
Mr.K.Venkatachalam,
No.41, Mettu Street, Thachampattarai Village,
Aalapakkam Post, Arakkonam Taluk,
Vellore District.

...Petitioner

Vs

1. The Chief Engineer,
Public Work Department (PWD),
Water Resources Organisation (WRO),
Chennai Region, PWD Maligai,
Cheppakkam, Chennai.
2. The Superintending Engineer,
Public Work Department (PWD),
Water Resources Organisation (WRO),
Upper Palar Basin Circle,
Gandhi Nagar,
Vellore.
3. The Executive Engineer,
Public Work Department (PWD),
Water Resources Organisation (WRO),
Upper Palar Basin Circle,
Gandhi Nagar,
Vellore.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the due amount sum of Rs.2,58,990/- (Rupees Two Lakhs Fifty Eight Thousand Nine Hundred and Ninety Only) payable to the petitioner toward the project (3) -Special Repairs to Avalur Kasam Channel from LS.1350m to 4000m in Arakkonam Taluk - in DR.No.30/2007-08.

For Petitioner :Mr.P.Krishnan

For Respondents :Mr.K.M.D.Muhilan
Government Advocate
For R1 to R3



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ORDER

The relief sought for in the present writ petition is to direct the respondents to release the due amount sum of Rs.2,58,990/- payable to the petitioner toward the project (3) -Special Repairs to Avalur Kasam Channel from LS.1350m to 4000m in Arakkonam Taluk - in DR.No.30/2007-08.

2. An Elaborate adjudication of issues became unnecessary, in view of the fact that the counter filed by the Executive Engineer, Public Works Department (PWD), Water Resources Organisation (WRO), Upper Palar Basin Division, Vellore, reveals that the petitioner had completed the contract works allotted to him and the proposal for sanction of funds were also submitted to the Government for consideration.

3. In this regard, Paragraphs 3, 4 and 5 of the counter affidavit reads as under:

"3. In the above said three project the petitioner has received the payment for first two items and for the third item he has to be paid for Rs.2,58,990/- for which he has made representation dated 25.03.2013 and the said representation was received by this office and the same was forwarded to the Superintendent Engineer on 06.01.2014 by this office.

4. It is further submitted the 3rd respondent has communicated the said representation to the 2nd respondent for further action through his proceeding vide letter No.1CC/2014 dated 06.01.2014 and the 2nd respondent further forward the said letter to the Chief Engineer the 1st respondent and he has to forward the said proposal to the Government for getting approval.

5. It is further submitted that the petitioner allegation stating that no action was taken by this respondent is hereby denied as false and there is no ulterior motive to drag on the issue. The respondent is having the responsibility over the pending files and the pendency of the payment towards the petitioner is in process."

4. Perusal of the said averments in the counter would reveal that the respondents are to settle the amount for the works already executed by the petitioner. This being the factum now established, the respondents are directed to process the proposal already submitted by the competent authority and settle the dues in favour of the petitioner within a period of 12 weeks from the date of receipt of the copy of this order. In the event of not settling the dues amount within a period of 12 weeks from the date of receipt of a copy of this order without



any valid reason, then the respondents are bound to pay the interest at the rate of 4% per annum for all such belated settlements.

5. With these directions, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The Chief Engineer,
Public Work Department (PWD),
Water Resources Organisation (WRO),
Chennai Region, PWD Maligai,
Cheppakkam, Chennai.
2. The Superintending Engineer,
Public Work Department (PWD),
Water Resources Organisation (WRO),
Upper Palar Basin Circle,
Gandhi Nagar,
Vellore.
3. The Executive Engineer,
Public Work Department (PWD),
Water Resources Organisation (WRO),
Upper Palar Basin Circle,
Gandhi Nagar,
Vellore.

+1CC to Mr.P.Krishnan, Advocate, SR.No. 53651
+1CC to The Government Pleader, SR.No. 53889

W.P.No.17515 of 2014

AD(CO)
B.VC (29/10/2021)