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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. No.35239 of 2019

Senthil Traders
Rep. by its Proprietor,
M.Singaravelu,
No. 24-1/ 15, Ariyalur Road,
Sendhurai, Ariyalur - 621714.

Petitioner

-Vs-

- 1 The District Collector,
Collector Office, Ariyalur.
- 2 Assistant Director of Panchayats,
Collector Office, Ariyalur.
- 3 Nallampalayam Panchayat,
Rep. by the Special Officer/Block Development Officer,
Senthurai, Ariyalur District.
- 4 Unchini Panchayat
Rep. by the Special Officer/ Block Development Officer,
Senthurai, Ariyalur District.
- 5 Sirukadambur Panchayat
Rep. by the Special Officer/ Block Development Officer,
Senthurai, Ariyalur District.
- 6 Nakkambadi Panchayat,
Rep. by the Special Officer/ Block Development Officer,
Senthurai, Ariyalur District.
- 7 Namamkunam Panchayat
Rep. by the Special Officer/ Block Development Officer,
Senthurai, Ariyalur District.
- 8 Vanchinapuram Panchayat
Rep. by the Special Officer/ Block Development Officer,
Senthurai, Ariyalur District.



9 Rayampuram Uratchi
Rep. by the Special Officer/ Block Development Officer,
Senthurai, Ariyalur District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direction to the 1st and 2nd respondents to allocate funds to respondents 3 to 9 to ensure their compliance of settling the money dues payable to the petitioner together with interest as fixed by this Court for the value of goods supplied to 3 to 9 panchayats on various days as confirmed by then presidents of concerned panchayats vide respective letters dated 20.10.2016.

For Petitioner : Mr.K.Krishnamoorthy

For Respondents : Mr.A.Selvendiran
Government Counsel

O R D E R

This writ petition has been filed for issue of writ of mandamus directing the respondents 3 to 9 to settle the money that is due and payable to the petitioner together with the interest for the goods supplied by the petitioner to respondents 3 to 9 and the same being confirmed by the President belonging to each of the Panchayats through letters dated 20.10.2016.

2.When the matter was taken up for hearing on 04.02.2020, this Court passed the following order:

It is evident from the proceedings that despite opportunity granted, the Respondents have not filed any Counter Affidavit explaining why funds have not been allocated to the Third to Ninth Respondents for making payments for the bills due to the Petitioner. In such circumstances, the Second Respondent is required to file an affidavit stating that the time limit by which funds would be allocated to the Third to Ninth Respondents for making payments of the bills due to the Petitioner. If the Second Respondent fails to file such affidavit before the next hearing, he shall appear in person before this Court on that date.

Post the matter on 24.03.2020.

3.Till date, no counter affidavit has been filed by any of



the respondents. Hence, the main writ petition itself is taken up for final hearing based on the pleadings made in the affidavit filed in support of the writ petition and the documents filed in the typed set of papers.

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4. Heard Mr.K.Krishnamoorthy, learned counsel appearing on behalf of the petitioner and Mr.A.Selvendiran, learned Government Advocate appearing on behalf of the respondents.

5. It is seen from records that the goods supplied by the petitioner have been acknowledged by each of the Presidents belonging to the Panchayats arrayed as respondents 3 to 9. The petitioner has been running from pillar to post to get the payments. It is further seen that the 1st and 2nd respondents will have to allocate the funds to respondents 3 to 9 in order to enable the petitioner to get the amount. The petitioner cannot be waiting endlessly. At some stage, the amount has to be settled. The fact that no counter affidavit has been filed till date, shows that there is no dispute with regard to the amount that is due and payable to the petitioner.

6. In view of the above, there shall be direction to the respondents to settle all the dues to the petitioner, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st and 2nd respondents and mark a copy of the same to respondents 3 to 9, along with a copy of this order. On receipt of the same, the directions issued by this Court shall be complied with, within the time stipulated by this Court.

7. This writ petition is disposed of with the above directions. No Costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssr

To

- 1 The District Collector,
Collector Office, Ariyalur.
- 2 Assistant Director of Panchayats,
Collector Office, Ariyalur.



- 3 The Special Officer/Block Development Officer,
Nallampalayam Panchayat,
Senthurai, Ariyalur District.
- 4 The Special Officer/ Block Development Officer,
Unchini Panchayat
Senthurai, Ariyalur District.
- 5 The Special Officer/ Block Development Officer,
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- 8 The Special Officer/ Block Development Officer,
Vanchinapuram Panchayat
Senthurai, Ariyalur District.
- 9 The Special Officer/ Block Development Officer,
Rayampuram Uratchi
Senthurai, Ariyalur District.

+1cc to Mr.K.Krishnamoorthy, Advocate, S.R.No.54370

+1cc to the Government Pleader, S.R.No.54249

W.P. No.35239 of 2019

AK-II (CO)
SU(10/11/2021)