



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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W.P. (MD)No.5575 of 2021
(Through Video Conferencing)

T.Iyyappazam

... Petitioner

Vs.

1.The Commissioner of Municipal Administration
Pattinampakkam, Chennai.

2.The Commissioner
Nagercoil Corporation
Kanyakumari District

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to disburse the due amount of Rs.11,00,000/- with interest for the works of installation of paver block at in Ward No.1, Gandhi nagar, Ganesh Avenue, and rainwater drainage stream, completed and handed over to the 2nd respondent in the year 2016.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.P.Mahendran for R1

Additional Government Pleader

Mr.M.Athimoolapandian for R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the second respondent to disburse the amount due and payable to the petitioner for the works carried out by the petitioner in the year 2016.

2. The case of the petitioner is that he is a Government Contractor, who participated in the tender invited by the second respondent for carrying out the installation of paver block and rain water drainage. The petitioner was the successful bidder and he was issued with the work order on 08.09.2016. According to the petitioner, the value of the work was Rs.11 lakhs.

3. It is stated that the petitioner had completed the work and the same was also inspected by the officials belonging to the second respondent and they have recommended for the disbursement of the amount that was withheld, which is 5% amounting to Rs.55,000/-. According to the petitioner, in spite of the completion of the work in the year 2016, the second respondent has not settled the bills, which works out to a sum of Rs.11 lakhs. The petitioner made a



representation in this regard to the second respondent on 08.10.2020 and since the same did not evoke any response, left with no other alternative, the present writ petition has been filed seeking for appropriate directions.

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4. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned standing counsel for the second respondent.

5. Taking into consideration the facts and circumstances of the case and also the fact that the work has been completed by the petitioner in the year 2016 itself and the inspection authority have also recommended for the disbursement of the amount, there shall be a direction to the second respondent to consider the representation made by the petitioner on 08.10.2020 and disburse the amount due and payable to the petitioner within six weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

7. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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 Commissioner of Municipal Administration
Pattinampakkam, Chennai.

2.The Commissioner
Nagercoil Corporation
Kanyakumari District

+1 CC to M/s.SPL GP (SR-17569[F] dated 26/04/2021)

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