



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

WEB COPY

W.P. (MD) .No.13149 of 2021

T.Sukumar

... Petitioner

- Vs -

1.The Commissioner of Municipal Administration,
11th Floor Urban Administration Building,
Opp. CIBA Building Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

2.The Commissioner,
Nagercoil Corporation,
Nagercoil,
Kanniyakumari District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to disburse the final amount of Rs.37,20,000/- with interest for the following works (1) Laying Thar Road at Ward No.19, Sarakkalvilai Sudalaimadan Kovil for R.8,50,000/- (2) Rain Water drainage Work at Ward No.19, Keelasarkkalvilai for Rs.20,00,000/- (3) Laying Thar Road at Ward No.19, Valanar Road for Rs.8,70,000/-, based on the petitioner's representation, dated 06.07.2021 to the 2nd respondent.

For Petitioner : Mr.F.Deepak

For Respondent-1 : Mr.R.Suresh Kumar
Government Advocate

For Respondent-2 : Mr.Athimoolapandian

ORDER

This writ petition has been filed praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to disburse the final amount of Rs.37,20,000/- with interest for the following works (1) Laying Thar Road at Ward No.19, Sarakkalvilai Sudalaimadan Kovil for R.8,50,000/- (2) Rain Water drainage Work at Ward No.19, Keelasarkkalvilai for Rs.20,00,000/- (3) Laying Thar Road at Ward No.19, Valanar Road for Rs.8,70,000/-, based on the petitioner's representation, dated 06.07.2021 to the 2nd



2. The short facts of the case in brief are as follows:-

(i) The case of the petitioner is that the petitioner is a Government contractor doing various civil contract works for various governmental and non-governmental organisation and he has also undertaken tender civil works with the 2nd respondent Municipality earlier which was now upgraded as Corporation. The 2nd respondent has invited tenders for the works and the petitioner was the successful bidder and separate orders were granted by the 2nd respondent for the execution of the work. Petitioner have successfully completed the above said work awarded, as per the tender conditions and specifications.

(ii). The Junior Engineer attached to the office of the 2nd respondent, had inspected and made measurements of the works done by the petitioner and forwarded the inspection report to the Municipal Engineer for check measurements of the site and works done. The Municipal Engineer, after the check measurements done will enter the same in the ledgers of the Corporation and the same will be forwarded to the 2nd respondent. The 2nd respondent will again scrutinize the same and thereafter, forward the same to the accounts department for cheque payment. Further, the accounts department, after clearance of the bill, will pass orders for payment of the same. On enquiry from the 2nd respondent office, I came to know that all the above formalities and assessments are made and the petitioner's payments are ready for disbursement, but till today the 2nd Respondent has not given the cheque payment for the above three works done by the petitioner.

(iii) As per the tender conditions, the petitioner had deposited an EMD in respect of the said works with the 2nd respondent. There was no stoppage of works by the authorities on account of any substandard materials or any violation. After completion of the work, the 2nd respondent is duty bound to settle the bills and make payments. The petitioner, from 2016 onwards made various written and personal representation to the 2nd respondent for returning the payment dues of Rs.37,20,000/-. But till date, the respondents are inactive in settling the bills.

3. The learned counsel appearing for the petitioner would submit that though the petitioner has come with a larger prayer, he would state that it would be suffice, if the representation of the petitioner is directed to be considered within a time to be stipulated by this Court.

4. The learned Government Advocate appearing for the respondents would submit that the petitioner's representation dated 14.07.2021 will be considered within the time frame to be stipulated by this Court.

5. The Court heard the submissions made by the learned



counsels appearing on either side and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing for the petitioner as well as the respondents, without advertg to the merits of the case, the respondents are directed to dispose of the representation of the petitioner, dated 14.07.2021, on merits, and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

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,
11th Floor Urban Administration Building,
Opp. CIBA Building Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

2.The Commissioner,
Nagercoil Corporation,
Nagercoil,Kanniyakumari District.

+1 CC to M/s.F.DEEPAK, Advocate (SR-24883[F] dated 02/08/2021)

+1 CC to M/s.GP (SR-24922[F] dated 02/08/2021)

Order made in
W.P. (MD) .No.13149 of 2021

Dated:
30.07.2021

CN(11.08.2021) 3P C5

<https://hcservices.ecourts.gov.in/hcservices/>