



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CONT.P.(MD)No.906 of 2020 in

W.P.(MD)No.7998 of 2019

S.Ashok Kumar

... Petitioner/Petitioner

Vs.

M.Megananthan(In-charge),
Executive Officer,
Maruthur Town Panchayat, Maruthur,
Kulithalai Taluk,
Karur District.

... Respondent /4th Respondent

Prayer: Contempt petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent herein for willful disobedience of the order passed by this Court in W.P.(MD) No.7998 of 2019 dated 08.04.2019 under the Contempt of Courts Act.

Prayer in WP(MD). 7998/ 2019 :

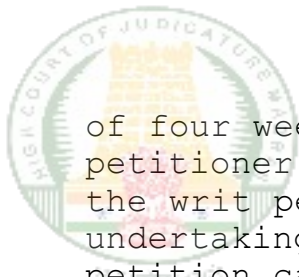
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, forbearing the respondents from allotting the work for the purpose of laying road from Kuppuredipatti to Vadakku Medu Ground Level Tank, Vadakku Medu Ground Level Tank to Vadakku Medu Vari to another person in Maruthur Town Panchayat, Kulithalai Taluk, Karur Dist without issuing notice to the Peititioner.

For Petitioner	: M/s.K.Esakki, for Mr.K.Guhan.
For Respondent	: Mr.M.Rajarajan, Additional Government Advocate.

O R D E R

The petitioner was entrusted with certain contract works by the respondent Panchayat. The petitioner had also raised bills for the works done. Since the bills were not honoured and settled, he did not proceed with the remaining contract works. This gave rise to dispute between the petitioner and the Panchayat. The Panchayat entrusted the remaining works to some other person. In order to prevent the Panchayat from doing so, the writ petition came to be filed.

2. When the matter was taken up for hearing, I suggested that while the decision to entrust the matter to the third party for carrying out the remaining contract works need not be interfered with, the petitioner should be paid for the works already carried out by him. The respondent gave an undertaking that within a period



of four weeks, the petitioner's dues will be quantified and that the petitioner's bills will be settled. Recording the said submission, the writ petition was disposed of on 08.04.2019. Contending that the undertaking given by the respondent was not honoured, this contempt petition came to be filed.

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3. It is now stated that the petitioner was already paid a sum of Rs.10,58,000/- representing the value of the works that he had already carried out. But the deposits made by the petitioner was to the tune of Rs.7,58,643/-. It is stated by the Executive Officer of the Town Panchayat that a sum of Rs.7,58,643/- representing the security deposit of the petitioner had already been lapsed. According to him, without a formal resolution being passed by the Town Panchayat council, it is not possible to return the said amount to the petitioner herein. At present there is no elected body. It is not known as to when the elected body will be constituted. The petitioner cannot be made to wait indefinitely and the said amount has to be paid to him. Therefore, the respondent is directed to make necessary book adjustments and pay the said amount of Rs.7,58,643/- which is said to be a lapsed deposit. This payment will be made within a period of four weeks from the date of receipt of a copy of this order.

4. That apart, yet another bill amount to the tune of Rs.3,00,000/- is still pending payment. The Executive Officer would state that audit is being conducted and based on the deductions to be made, final payment will be quantified. It is stated by the respondent that within a period of eight weeks, this exercise of quantification will be completed and immediately thereafter, the said amount will be disbursed.

5. With these directions, this contempt petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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:

The Executive Officer,
Maruthur Town Panchayat, Maruthur,
Kulithalai Taluk,
Karur District.

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



+1 CC to M/s.K.GUHAN, Advocate (SR-16225[F] dated 17/04/2021)

+1 CC to M/s.SPL GP (SR-16313[F] dated 17/04/2021)

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CONT.P.(MD)No.906 of 2020 in
W.P. (MD)No.7998 of 2019
16.04.2021

SSS (CO)

KB(12.05.2021) 3P 4C