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W.P.No.12954 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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P.Sundaravel

... Petitioner

Versus

1. The Executive Engineer,
Buildings & Roads (North) Division,
Public Welfare Department,
Puducherry.

2. The Superintendent Engineer,
Circle I, Public Welfare Department,
Puducherry.

3. The Chief Engineer,
Public Welfare Department,
Puducherry

... Respondents

Petition filed under Article 226 of the Constitution of India praying to
issue Writ of Mandamus directing the respondents to consider the petitioner's
representation dated 11.08.2020.

For Petitioner : Mr.A.Rajarajan

For Respondents : Mr.G.Djearany
Govt.Advocate (Puducherry)

ORDER

This writ petition has been filed for a Mandamus seeking for a
direction to the respondents to consider the petitioner's representation dated
11.08.2020 requesting the respondents to make payment to the petitioner in



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respect of the works done by him as P.W.D Contractor in the year 2016.

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2. According to the petitioner, he has done works for the respondents in the year 2016 and its total value is Rs.9,71,000/-(Rupees Nine lakhs seventy one thousand only). The petitioner claims that he is also raising bills in favour of the respondents to that effect. The petitioner also claims that he has given several representations to the respondents requesting payment. According to the petitioner, the first respondent has already forwarded the petitioner's representation, requesting for payment, to the third respondent for consideration. Since no final order has been passed on the petitioner's representation he has filed this writ petition.

3. The petitioner has filed documents along with the writ petition, including the proceedings of the first respondent dated 06.01.2017, under which, the petitioner's representation requesting for payment has been forwarded by the first respondent to the third respondent for consideration. The petitioner has given a representation on 11.08.2020 requesting for payment from the respondents.

4. No prejudice would be caused to the respondents if the



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petitioner's application dated 11.08.2020 is considered on merits and in accordance with law after affording a fair hearing to the petitioner within a time frame to be fixed by this Court.

5. Since the representation given by the petitioner seeking for payment is dated 11.08.2020 and it is an old representation, now, the petitioner will have to give a fresh representation to the respondents requesting them to make payment. Learned counsel for the petitioner, on instructions, would submit that the petitioner is agreeable to submit a fresh representation.

6. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the third respondent requesting payment of a sum of Rs.9,71,000/-(Rupees Nine lakhs seventy one thousand only), which the petitioner claims is the value of the contract, which is completed on 04.04.2016, within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the third respondent shall consider the petitioner's representation and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him

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the right of personal hearing within a period of eight weeks thereafter.

7. With the aforesaid direction, the writ petition is disposed of. No costs.

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sr

Index: Yes/No

Speaking Order/Non-Speaking Order

To

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