



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.14558 of 2020

P.Seethapathy

..Petitioner

-Vs-

1. The Secretary to Government,
Department of Tourism,
Government of Puducherry,
Puducherry.

2. The Director,
Department of Tourism,
Government of Puducherry,
Puducherry.

3. The Managing Director,
Puducherry Tourism Development Corporation,
Puducherry.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to settle and pay the amount for the due execution and completion of the work viz., on nomination basis to the petitioner under reference No.781/ PTDC/PC/2015-16 dated 28.12.2015, 840/PTDC/PC/2015-16 dated 12.02.2016 and 848/PTDC/PC/2015-16 dated 17.02.2016 with interest.

For Petitioner : Mr.N.Thiagarajan

For Respondents : Mr.C.T.Ramesh,
Additional Government Pleader (Pondy)

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to settle and pay the amount for the due execution and completion of the work done by the petitioner on nomination basis under Reference Nos.781/ PTDC/PC/2015-16 dated 28.12.2015, 840/PTDC/PC/2015-16 dated 12.02.2016 and 848/PTDC/PC/2015-16 dated 17.02.2016 with interest.

2. According to the petitioner, he was nominated to do the above mentioned work by the 3rd respondent. According to him, though the 3rd respondent had admitted the liability to pay the amount towards the work done by the petitioner, the 3rd



respondent has not paid the amount till date. The petitioner had given a representation earlier through a legal notice on 22.08.2019 calling upon the 3rd respondent to make the payment. A reply has also been received by the petitioner from the 3rd respondent informing him that the project has been wound up and the records have also been handed over to the 2nd respondent. It has also been informed in the said letter that the operation of Bank accounts of the subject project maintained by the 3rd respondent with the SBI and IOB were transferred to the name of the 2nd respondent. The petitioner has also issued a legal notice to the 2nd respondent on 09.09.2019 and the 2nd respondent by its reply dated 16.09.2019 has directed the petitioner to once again, approach the 3rd respondent with regard to the payment due to him. According to him, a sum of Rs.5,60,570/- is due and payable by the 3rd respondent for the value of the work done by him, which according to the petitioner, has not been paid till date.

3. Heard Mr.N.Thiagarajan, learned counsel for the petitioner and Mr.C.T.Ramesh, learned Additional Government Pleader (Pondy) appearing for the respondents.

4. On instructions, the learned Additional Government Pleader for the respondents would submit that since the 3rd respondent is no more in existence, the 2nd respondent will have to consider the petitioner's representation, based on the records placed before the 2nd respondent by the 3rd respondent which has now ceased to be in existence. He would also submit that only after holding an enquiry, it can be ascertained as to what is the actual amount due and payable to the petitioner on account of the alleged work done by him on behalf of the 3rd respondent. He would also submit that the claim being a contractual dispute, the writ petition is not maintainable. However, the learned counsel for the petitioner would vehemently oppose the said submission on the ground that only based on the nomination made by the 3rd respondent, the petitioner had completed the work and there is no contract between the petitioner and the 3rd respondent. According to the learned counsel for the petitioner, having accepted the rates quoted by the petitioner and having admitted the liability, the 3rd respondent is liable to pay the admitted amount due to the petitioner. Learned Additional Government Pleader appearing for the respondents would further submit that if the petitioner submits a fresh representation to the 1st respondent requesting for payment of the alleged outstanding dues for the work said to have been completed by him on instructions of the 3rd respondent, the same will be considered by the 1st respondent on merits and in accordance with law.

5. No prejudice would be caused to the respondents if the petitioner is allowed to give a fresh representation seeking payment of the alleged dues, which according to the petitioner, is due and payable by the respondents and on receipt of the said representation, the 1st respondent shall



consider the same on merits and in accordance with law. The petitioner has filed documents along with this writ petition to substantiate his case that the amount due and payable to him is an admitted amount which has not been paid by the respondents till date. It is for the respondents to consider the said documents on merits and thereafter, decide as to whether any amount is due and payable to the petitioner or not.

6. For the forgoing reasons, this Court directs the petitioner to submit a fresh representation to the 1st respondent requesting for payment of the amount alleged to be due to him for the completion of work on instructions given by the 3rd respondent on nomination basis under reference Nos.781/PTDC/PC/2015-16 dated 28.12.2015, 840/PTDC/PC/2015-16 dated 12.02.2016 and 848/PTDC/PC/2015-16 dated 17.02.2016 with interest, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 1st respondent shall consider the same and pass orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of eight weeks thereafter.

7. With the above said directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vsi

To

- 1.The Secretary to Government,
Department of Tourism,
Government of Puducherry, Puducherry.
- 2.The Director,
Department of Tourism,
Government of Puducherry, Puducherry.
- 3.The Managing Director,
Puducherry Tourism Development Corporation, Puducherry.

+1cc to Mr.N.Thiagarajan, Advocate SR. No. 37600

+1cc to Government Pleader (Puducherry) SR. No. 37886

W.P.No.14558 of 2020