

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.19188, 19192, 19193 and 19194 of 2020

P.Selvaraj ... Petitioner in W.P.No.19188/2020
V.Palanisamy ...Petitioner in W.P.No.19192/2020
P.Thiruppathi ...Petitioner in W.P.Nos.19193 & 19194/2020

Vs.

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31 Kamarajar Salai,
Chepauk, Chennai 600 005.
2. The Executive Engineer,
TWAD Board,
RWS Division,
Karur. ... Respondents in all petitions

Prayer in W.P.No.19188/2020:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus in the nature of a writ directing the respondents to release the payment due to the petitioner to the tune of Rs.2,76,328 in respect of Agreement No.20/TWAD/2018-19/dated 04.09.2018 together with interest at the rate of 6% per annum.

Prayer in W.P.No.19192/2020:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus in the nature of a writ directing the respondents to release the payment due to the petitioner to the tune of Rs.1,50,461.90/- in respect of Agreement D.R. No.24/TWAD/2018-19/dated 06.09.2018 together with interest at the rate of 6% per annum.

Prayer in W.P.No.19193/2020:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus in the nature of a writ directing the respondents to release the payment due to the petitioner to the tune of Rs.1,40,546/- in respect of Agreement D.R.No.22/TWAD/2018-19/dated 06.09.2018 together with with interest at the rate of 6% per annum.

Prayer in W.P.No.19194/2020:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus in the nature of a writ directing the respondents to release the payment due to the petitioner to the tune of Rs.1,80,833/- in respect of D.R.No.21/TWAD/2018-19/dated 06.09.2018 together with with interest at the rate of 6% per annum.

For Petitioner in all petitions: Mr.K.S.Viswanathan

For R1 & R2 in all petitions : Mr.S.Shahila Bhanu
Standing Counsel for TWAD Board

C O M M O N O R D E R

These writ petitions are filed seeking for a Mandamus directing the respondents to release the payments of Rs.2,76,328/-, Rs.1,50,461.90/-, Rs.1,40,546/-, and Rs.1,80,833/- due to the respective petitioners.

2. The grievance of the petitioners is that even though they have executed the work awarded to them viz., Annual maintenance of CWSS to 100 habitations in Thanthoni Union of Karur District, Annual Maintenance of CWSS to 10 habitations in K.Paramathy and Aravakurichi Unions of Karur District, Annual Maintenance of CWSS to 378 habitations in K.Paramathy and Aravakurichi Unions of Karur District and Annual Maintenance of CWSS to 378 habitations in K.Paramathy and Aravakurichi Unions of Karur District as early as in the year 2018, the respondents are still due to the sum of Rs.2,76,328/-, Rs.1,50,461.90/-, Rs.1,40,546/-, and Rs.1,80,833/- to the respective petitioners.

"3. The learned counsel for the petitioners submitted that already similar request made by another contractor has been considered by this Court in W.P.No.32864 of 2018 and an order was

passed directing the 1st respondent Board to release the withheld amount within a period of four months with simple interest at the rate of 6% per annum. A copy of the order has also dated 05.02.2019 has also been produced. Accordingly, learned counsel prays that this Court may direct the respondents to release the amount to the petitioners, as has been given in the other writ petition filed in W.P.No.32864 of 2018 within the time frame stipulated by this Court.

4. Learned counsel for the respondents submit fairly concedes that such an order has been passed in W.P. No.32864/2018.

5. Accordingly, in view of the fair submissions made by the learned counsel on either side, following the order passed in W.P. No.32864/2018, these writ petitions are disposed of directing the respondents to pay the amount along with simple interest at 6% p.a., to the respective petitioners within a period of 4 months from the date of receipt of a copy of this order. No costs."

Sd/-
Assistant Registrar(CS-II)
(08/02/2022)

*Para 3rd and 4 in the order dated 12.01.2022 in the WP.No.19188, 19192 to 19194 of 2020 has been deleted and paragraph 3, 4 & 5 are incorporated as per order of this Court dated 16.03.2022 and made in aforesaid WP'S
Sd/-
Assistant Registrar(CS-II)
(28/03/2022)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Water Supply
and Drainage Board,
31 Kamarajar Salai,
Chepauk, Chennai 600 005.
2. The Executive Engineer,
TWAD Board,
RWS Division,
Karur.

***To be substituted the order
already despatched on 08.02.2022**

W.P.Nos.19188, 19192, 19193 and 19194 of 2020

NMI (CO)
SU(09/02/2022)
PM/29/03/2022