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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.25738 of 2021

S.Mikannan

... Petitioner

-Vs-

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Assistant Director [Panchayat],
District Rural Development,
Dharmapuri District.
3. The Assistant Executive Engineer,
Rural Development,
Morappure,
Dharmapuri District.
4. The Block Engineer,
Pappireddipatti Union Office,
Pappireddipatti Taluk,
Dharmapuri District.
5. The Block Development Officer [BDO],
Pappireddipatti Union Office,
Pappireddipatti Taluk,
Dharmapuri District.
6. The President,
Sitheri Panchayat,
Pappireddipatti Taluk,
Dharmapuri District.

... Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 06.05.2018 to the respondents 2 to 6 and representation dated 27.03.2021 to the 1st respondent.

For Petitioner : Mr.Chinnadurai
for Mr.K.Krishnan



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For Respondents

R1 to R3 : Mrs.V.Yamunadevi
Special Government Pleader

R5 : Mrs.Geetha Thamaraiselvan
Special Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 06.05.2018 to the respondents 2 to 6 and representation dated 27.03.2021 to the 1st respondent.

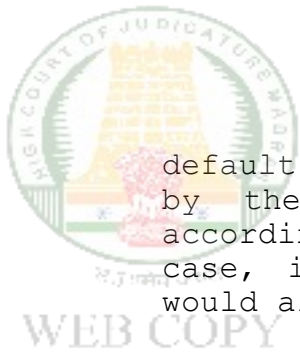
2.The petitioner claimed that during the year 2014-15, the petitioner was entrusted five contract works at the 6th respondent Panchayat by the respondents 2 and 5. The petitioner having completed the said works had requested the second respondent as well as the respondents 3 and 4 to verify the completion of the works for the purpose of recording the same in the measurement book.

3.Accordingly, the said officials having verified the works completed by the petitioner had recorded the same in the measurement book.

4.However, for long years the payment to be made to the petitioner against the bill raised by him in respect of the five works which he completed in the year 2014-2015 have not been paid. Therefore, the petitioner had given detailed representation to the first respondent on 06.05.2018 and thereafter recently on 27.03.2021 with a copy marked to other respondents. However, these representations also have not yielded any desired result. Therefore, the petitioner is before this Court with the present writ petition.

5.Heard the learned counsel for the petitioner, who having reiterated the aforesaid would seek the indulgence of this Court to issue a direction by way of Mandamus to the respondents, especially, the respondents 1, 2 and 6 to clear the bill of the petitioner and to make the payment for the works he has completed as early as in the year 2015.

6.Heard Mrs.V.Yamunadevi, learned Special Government Pleader appearing for the respondents 1 to 3 and Mrs.M.Geetha Thamaraiselvan, learned Special Government Pleader appearing for the 5th respondent, who on instructions, would submit that, if the petitioner has completed the works early, i.e. in the year 2014-2015 itself, definitely the bill would have been cleared. If at all the bills are not cleared, there might have been some



default in the works. But any way the representation now given by the petitioner on 27.03.2021 would be considered and accordingly the same would be disposed of on merits and in that case, if any payment has to be made to the petitioner, that would also be paid to him.

7.I have considered the said submissions made by the learned counsel for the parties and perused the materials placed before this Court.

8.In view of the said stand taken by the learned Special Government Pleader appearing for the respondents and the works entrusted to the petitioner having been completed in the year 2014-2015 itself, five to six years since have already lapsed, this Court is of the considered view that a direction can be given to the respondents to immediately look into the matter and decide the same.

9.Accordingly, there shall be a direction to the respondents, especially, the respondents 1, 2, 5 and 6 to look into the matter by considering the representation submitted by the petitioner dated 27.03.2021 to the first respondent with a copy marked to the other respondents and should pass orders with regard to the sanctioning of the bill amount as claimed by the petitioner. The needful, as indicated above, shall be undertaken by the respondents within a period of four weeks from the date of receipt of a copy of this order.

10.With these directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cse

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Assistant Director [Panchayat],
District Rural Development,
Dharmapuri District.



3. The Assistant Executive Engineer,
Rural Development,
Morappure,
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4. The Block Engineer,
Pappireddipatti Union Office,
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5. The Block Development Officer [BDO],
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6. The President,
Sitheri Panchayat,
Pappireddipatti Taluk,
Dharmapuri District.

+1cc to Mr.K.Krishnan, Advocate, S.R.No.2950
+1cc to the Government Pleader, S.R.No.3042

W.P.No.25738 of 2021

SMI (CO)
CT 31/01/2022