



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.682 of 2022

Manikandan

... Petitioner

vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director of
Town Panchayat,
Kanyakumari District,
Nagercoil.

3.The Executive Officer,
Palugal Grade I Town Panchayat,
Palugal,
Kanyakumari District-629 170.

4.The Executive Officer,
Edaicode Grade I Town Panchayat,
Edaicode,
Kanyakumari District-629 152.

5.The Executive Officer,
Killiyoor Grade I Town Panchayat,
Killiyoor,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to make payment for the works done by the petitioner for the respondents 3, 4 and 5 and also permit the completion of the remaining works in the light of the representation submitted by the petitioner on 05.01.2022.

For Petitioner : Mr.N.Dilipkumar

For R1 and R2 : Mr.D.Ghandiraj
Special Government Pleader

For R3 to R5 : Mr.N.Ramesh Arumugam
Government Advocate



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Mr.D.Ghandiraj, learned Special Government Pleader, takes notice for the first and second respondents and Mr.N.Ramesh Arumugam, learned Government Advocate, takes notice for the respondents 3 to 5.

2.This writ petition has been filed in the nature of Writ of Mandamus, seeking a direction against the respondents particularly, the first respondent to make necessary payment for the works done by the petitioner for the respondents 3, 4 and 5 and also to permit completion of the remaining works. The petitioner had given a representation on 05.01.2022.

3.The petitioner had given in his affidavit, a list of works which had been assigned to him and which according to him, he had substantially completed. It is seen that five separate works had been given to the petitioner. In the first work, he had completed upto 85%; in the second work, he had completed upto 85%; in the third work, he had completed upto 90%; in the fourth work, he had completed upto 50%; and the fifth work has not yet been commenced by the petitioner. The petitioner now claims by way of this writ petition, a mandamus to be issued to direct payment of the bills already submitted and for the works already completed.

4.However, my attention is drawn to a writ petition filed before the Division Bench of this Court in W.P.(MD)No.9028 of 2021, wherein, a string of listed works were also mentioned and a complaint was made with respect to, the grant of contract and other related issues. These are all prerogatives only of the Division Bench.

5.The learned counsel for the petitioner states that he has filed an impleading application before the aforementioned writ petition, which is pending before the Division Bench of this Court. The Division Bench had also passed an interim order, dated 25.06.2021 and had very clearly observed that any payment made will abide with the result of the said writ petition. A counter affidavit had been filed in the said writ petition, wherein, the first respondent had stated that in view of the pendency of the writ petition, payments have been stopped awaiting further orders from the Division Bench.

6.In view of that particular fact, this Court can never issue a Mandamus and this writ petition itself is misconceived. The writ petition stands dismissed. The petitioner having already filed an



impleading application may pursue the same and pursue any other relief, he seeks, before the Division Bench. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

sjj

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

- 1.The District Collector,
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Palugal Grade I Town Panchayat,
Palugal, Kanyakumari District-629 170.
- 4.The Executive Officer,
Edaicode Grade I Town Panchayat,
Edaicode, Kanyakumari District-629 152.
- 5.The Executive Officer,
Killiyoor Grade I Town Panchayat,
Killiyoor, Kanyakumari District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-1766[F] dated 19/01/2022)

+1 CC to M/s.SPL GP (SR-1908[F] dated 20/01/2022)

W.P. (MD) No.682 of 2022
19.01.2022