



W.P(MD)No.3557 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3557 of 2013

A.Thangadurai

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Assistant Director,
Rural Development (Panchayats),
Tirunelveli District.
- 3.The Block Development Officer,
(Village Panchayat),
Melaneelithanallur Union,
Sankarankovil Taluk,
Tirunelveli District.
- 4.Pattadaikatti Panchayat,
Melaneelithanallur Union,
Sankarankovil Taluk,
Tirunelveli District,
Represented by its President.
- 5.C.Kanakalakshmi,
Block Development Officer,



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Melaneelithanallur Union,
Sankarankovil Taluk,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in Na.Ka.No.A3/3083/12, dated 26.12.2102 and quash the same and consequently direct the respondents 2 and 3 to proceed with disbursement of petitioner's money as per their proceedings in Na.Ka.No. A3/1540/2011, dated 01.11.2012 of the third respondent and the memo issued by the second respondent vide A6/1911/2012, dated 20.11.2012 within a stipulated time.

For Petitioner : Mr.K.P.Narayanakumar
For R-1 to R-4 : M/s.B.Saravanan
Additional Government Pleader
For R-5 : No appearance

ORDER

The present Writ Petition has been filed challenging an order passed by the third respondent herein, under which, the bill raised by the writ petitioner for supply of street light with Aluminium fittings was rejected.



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2. According to the petitioner, the fourth respondent Panchayat has called for a tender for supply of street light along with Aluminium fittings. The petitioner was the successful bidder. The petitioner had quoted Rs.1,400/- for each street light along with Aluminium fittings. The said quotation was accepted by the Panchayat and the petitioner had also supplied 54 street lights along with Aluminium fittings. However, when the petitioner submitted his bills claiming the said amount, the third respondent herein has rejected the request under the impugned order, on the ground that the correct value of the street light along with Aluminium fitting is only Rs.1,160 and not Rs.1,400/-

3. The learned Additional Government Pleader for the respondents 1 to 4 had contended that the correct value of the said Aluminium fitting is only Rs.1,160/- and not Rs.1,400/-, as quoted and claimed by the writ petitioner. According to the learned Additional Government Pleader, charges were levelled against the said Panchayat President and proceedings were initiated under Section 203 of the Tamil Nadu Panchayat Act by the first respondent herein. In view of certain mal



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practices on the part of the Panchayat President, the bills raised by the writ petitioner were not honoured.

4. I have carefully considered the submissions made on either side.

5. The petitioner has quoted a sum of Rs.1,400/- for each street light along with Aluminium fittings. He was directed to furnish the quotation for the same. Only after accepting the said quotation, the Panchayat has awarded the contract in favour of the writ petitioner at the rate of Rs.1,400/-. Hence, now the third respondent cannot turn around and contend that the correct value of the street light is just Rs.1,160/-. I have also carefully perused the Section 203 proceedings initiated as against the Panchayat President. A perusal of the above said proceedings, dated 18.06.2012, does not reveal any allegation as against the Panchayat President relating to the awarding of the contract in favour of the writ petitioner.



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6. In view of the above said facts, the order impugned in the writ petition is not sustainable in the eye of law and the same is set aside. The respondents 2 and 3 are directed to disburse the bill amount of the writ petitioner at the rate of Rs.1,400/-, per street light within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said observations, the writ petition stands allowed. There shall be no order as to costs.

21.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Assistant Director,
Rural Development (Panchayats),
Tirunelveli District.



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3.The Block Development Officer,
(Village Panchayat),
Melaneelithanallur Union,
Sankarankovil Taluk,
Tirunelveli District.

4.The President.
Pattadaikatti Panchayat,
Melaneelithanallur Union,
Sankarankovil Taluk,
Tirunelveli District.

5.The Block Development Officer,
Melaneelithanallur Union,
Sankarankovil Taluk,
Tirunelveli District.



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R.VIJAYAKUMAR, J.

btr

Order made in
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21.09.2022