



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6966 of 2022

P.K.R.Ravindrakumar

... Petitioner

Vs.

1.The District Collector cum Chairman,
District Rural Development Agency,
Madurai.

2.The Deputy Collector cum Project Director,
District Rural Development Agency,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to disburse the remaining 2 ½ % of withheld amount by considering the representation of the petitioner dated 28.02.2022 within the time stipulated by this Court.

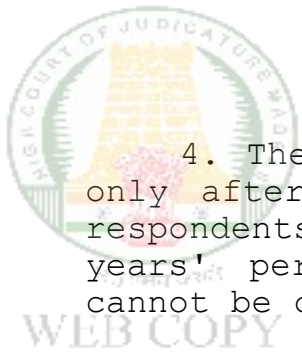
For Petitioner	:	Mr.J.Anandkumar
For Respondents	:	Mr.B.Saravanan, Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to disburse the remaining 2½ % of the withheld amount to the petitioner by considering the petitioner's representation dated 28.02.2022 within a time frame to be fixed by this Court.

2. By an earlier order dated 19.07.2021 passed by this Court in W.P.(MD).No.12054 of 2021, the respondents were directed to consider the petitioner's representation seeking for payment of dues payable to him under the contract entered into with the respondents. In accordance with the said order, the respondents considered the representation of the petitioner and passed final orders on 27.10.2021 disbursing a portion of the security deposit and the EMD amount in full to the petitioner.

3. However, according to the petitioner, the respondents failed to disburse the remaining 2 ½% of the withheld amount which is not in accordance with the contract. However, the same is disputed by the learned Additional Government Pleader appearing for the respondents.



4. The learned Additional Government Pleader would submit that only after five years from the date of completion of work, the respondents can consider the request of the petitioner. Since five years' period has not elapsed, the petitioner's representation cannot be considered. The said statement is recorded.

5. No prejudice would be caused to the respondents, if the representation of the petitioner is considered on merits and in accordance with law, after affording a fair hearing to the petitioner within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 28.02.2022 seeking for disbursement of the remaining 2½ % of the withheld amount under the contract dated 19.05.2017 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of three (3) months from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The District Collector cum Chairman,
District Rural Development Agency, Madurai.

2.The Deputy Collector cum Project Director,
District Rural Development Agency, Madurai.

+1 CC to M/s.J. ANANDKUMAR, Advocate (SR-18633[F] dated
13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18950[F] dated 18/04/2022)

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RD(28.04.2022) 2P 5C