



W.P(MD)No.19545 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19545 of 2022

and

W.M.P.(MD)No.14265 of 2022

M/s.B.S.M. Constructions,
Rep. by its Managing Director,
B.Subramaniyan.

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Agricultural Production Commissioner &
Security to Government,
Agricultural Department,
Fort St.George, Secretariat,
Chennai 600 009.

2.The Superintending Engineer (AE),
Agricultural Engineering Department,
No.15, Krishna Nagar,
Manojipatti Road,
Medical College Post,
Thanjavur 613 004.

... 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 settle the pending remaining amount of Rs.40,78,185/- for



W.P(MD)No.19545 of 2022

construction of seed storage godown in Nadumbalam, of Thiruthuraipoondi Block, Thiruvarur District with the assistance from Sub-Mission for Seed and Planting Material (SMSP) 2019-20 with an interest of 8 percent till the payment of money and within the time frame fixed by this Court.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.M.Sarangan,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner had completed the petition mentioned construction works. However his bills have not been settled in full. Seeking payment of the remaining amount, this writ petition has been filed.

3.When the matter was taken up for hearing, the learned Additional Government Pleader for the respondents submitted that the writ petition may not be maintainable as it is for recovery of a contractual amount. In the alternative, he also pleaded that the respondents may be given longer time for making the payment.



W.P(MD)No.19545 of 2022

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4. That there was a contract between the parties is not in doubt. That the petitioner had completed his contractual obligations is also not in doubt. He had also been paid a portion of the bill amount. The only request made in the writ petition is for payment of remaining amount. The works were completed one year ago. Therefore, the second respondent is directed to pay the balance amount to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

24.08.2022

Index : Yes / No
Internet : Yes/ No
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To:

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W.P(MD)No.19545 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.19545 of 2022

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