



W.P.(MD)No.23736 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23736 of 2022

A.Shanmugasundararaja

.. Petitioner

Versus

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Maligai,
Saidapet, Chennai – 600 015.

3.The District Collector/Chairman,
(District Rural Development Agency),
Tirunelveli District.

4.The Scheme Director,
Panchayat Raj Department,
District Rural Development Agency (DRDA),
Tirunelveli District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay to the petitioner a sum of Rs.61,47,487/- as per the proceedings of the third respondent in Na.Ka.No.A4/4624/2020, dated 12.11.2020, with interest at the rate of 18% per annum under the Capital Grant Fund (less than and more than



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1 Km. Roads) 2019-20 Scheme, within the time frame to be stipulated by this Court.

For Petitioner : Mr.V.Meenakshisundaram
for Mr.G.Mohan Kumar

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.61,47,487/- to him as per the proceedings of the third respondent in Na.Ka.No.A4/4624/2020, dated 12.11.2020, with interest at the rate of 18% per annum under the Capital Grant Fund (less than and more than 1 Km. Roads) 2019-20 Scheme, within the time frame to be stipulated by this Court.

2.Heard Mr.V.Meenakshisundaram, learned counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that he is a registered Class-1 works contractor with the Rural Development Department. In the year 2019-2020, the third respondent issued tender notification for executing various works under the Capital Grant Fund 2019-2020 scheme. The petitioner participated



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in the said tender and he was the successful bidder in respect of the work namely, strengthening of Pathiniparai – Maruthakulam Road [Km 0/0-3-600] in Nanguneri Panchayat Union at an estimated cost of Rs.65,97,612/- and work order was issued to him on 18.09.2019. On completion of the said work, the third respondent had inspected and verified the completion of work and approved the bills submitted by the petitioner, dated 12.11.2020, and sanctioned Rs.61,47,487/- from the Capital Grant Fund. The fourth respondent, being the Project Director, is liable to realize the said amount as per the orders of the third respondent. However, the fourth respondent has not paid the said amount till date. Hence, the petitioner requested him in person on several occasions and also made representations, dated 28.09.2021 and 27.04.2022, seeking payment of the said amount. However, no steps have been taken to disburse the said amount. As the fourth respondent has caused undue delay in paying the said amount, the petitioner is entitled to interest at the rate of 18% per annum. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

4.The learned Additional Government Pleader appearing for the respondents submitted that due to some constraints, the respondents could not pay the amount to the petitioner, especially, due to bifurcation of the Tirunelveli District as Tirunelveli and Tenkasi Districts. Furthermore, the



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petitioner has not completed the work within the time limit prescribed as per the schedule and there was a belated completion of the work and therefore, the sanctioned amount was disbursed to the persons, who have completed their works within the stipulated time. Hence, the petitioner's claim could not be considered immediately. The amount would be paid to the petitioner as and when the same would be disbursed by the second respondent.

5.The petitioner having the completed the work, the respondents are liable to pay the amount due to the petitioner. Hence, this Court directs the second respondent to disburse the amount as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order, so as to enable the fourth respondent to disburse the amount to the petitioner. It is left open to the petitioner, who can proceed further seeking interest in the manner known to law, if the said amount is not disbursed to him within the time limit prescribed by this Court.

6.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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