



W.P.(MD).No.3193 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.3193 of 2016

S.Siyamala

... Petitioner

-VS-

1. The Executive Engineer,
Tamil Nadu Drinking Water Supply Vadikal
Village Drinking Water "Plan"
Kottak Veryam Sivagangai.

2. The Assistant Engineer,
Tamil Nadu Water Supply and
Drainage Board,
Rural Water Supply Sub-Division,
Karaikudi.

.... Respondents

(Cause Title amended vide Court
order dated 22/02/2016 in
W.M.P(MD) No.2936 of 2016
by BRJ)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to pass the work bill amount Rs.1,55,378/- with NSC 19500/- amount with 7.5% interest.



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For Petitioner : Mr.S.Anji
for Mr.K.Ramamoorthy

For Respondents : Mr.R.Satheesh
Standing Counsel

ORDER

The present Writ Petition has been filed seeking a writ of Mandamus directing the respondent to clear the work bill to the tune of Rs.1,55,378/- (Rupees One Lakh Fifty Five Thousand Three Hundred and Seventy Eight only) with NSC 19500/- with interest at the rate of 7.5% per annum.

2. According to the writ petitioner, the contract work of the Tamil Nadu Water Supply Drainage Board was entrusted with four works viz., L.S.I, L.S.II, L.S.III and L.S.IV. According to the petitioner, except certain minor works, she has completed all other works in L.S.I to L.S.III. However, due to unforeseen circumstances, she could not take up the work L.S.IV and she had partly completed the work in the year 2007. Though the part of the work alone was completed, the respondents authorities have chosen to hand over the contract to the third party for completion of the said work. Therefore, after 2008, the petitioner was not permitted to continue



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with the work. However, a sum of Rs.1,55,378/- (Rupees One Lakh Fifty Five Thousand Three Hundred and Seventy Eight only) was pending with the respondent Board. She has made a representation to the TWAD Board, on 16.06.2015 followed by another representation on 20.07.2015 seeking for disbursal of Rs.1,55,378/- (Rupees One Lakh Fifty Five Thousand Three Hundred and Seventy Eight only). The Superintending Engineer had sent a communication to the Executive Engineer, TWAD Board, (Village Drinking Water Project), Sivagangai, to the effect that the petitioner may be informed that the proposal has been sent to the Government and the same is said to be taken for payment of the said amount. Thereafter, the petitioner has continuously sent representation to the respondent Board for the release of the said amount. However, the said amount was not released. Hence, the present Writ Petition has been filed seeking a Mandamus.

3. Per Contra, the learned Standing Counsel appearing for the respondents/ TWAD Board contends that the work was stopped by the writ petitioner in the year 2008. Thereafter, there was no response from the writ petitioner either for continuation of the work or seeking alleged balance



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amount arising out of the bills. Though the proposal was sent to the Government for L.S.III, the same was withdrawn on the ground that the petitioner has not even taken up the said work.

4. In view of the above said facts, he submits that the Board is not in a position to consider the request of the writ petitioner, in view of the fact that the files could not be traced in view of the delay approach made by the writ petitioner.

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

6. The petitioner contends that a sum of Rs.1,55,378/- (Rupees One Lakh Fifty Five Thousand Three Hundred and Seventy Eight only) has been placed to her credit in the Board accounts. However, the respondent Board in the counter, pointed out the delay and laches on the part of the writ petitioner in approaching the Board for the disbursal of the amount and some other reasons. The respondent Board is directed to pass a detailed order based upon the representation made by the writ petitioner herein



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within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording due opportunity to the writ petitioner.

7. With the above said observation, this Writ Petition stands disposed of. No costs.

22 .09.2022

Index : Yes / No

Internet : Yes / No

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R.VIJAYAKUMAR,J.

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