



W.P(MD)No.25656

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25656 of 2022

K.Sundaramoorthy

... Petitioner

Vs

1.The District Collector,
Office of the Collectorate,
Ramanathapuram.

2.The Assistant Director,
Department of Panchayat Raj Rural Development (DRDA),
Ramanathapuram.

3.The Block Development Officer (DRDA),
Kadaladi Union,
Ramanathapuram.

4.The Assistant Executive Engineer (DRDA),
Kadaladi,
Ramanathapuram District.

... 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 to pay the bill amount of Rs.88,52,665/- for the work done under the respondent for the Kadaladi Union Ithampadal-Erwadi road to Kalpark road based on the representation of the petitioner, dated 20.07.2022 and communication of the first respondent in Na.Ka.No.R6/3370/2019.



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For Petitioner	: Mr.S.Ramsundarvijayraj
For R1	: Mr.A.Kannan Additional Government Pleader
For R3	: Mr.D.Sadiq Raja Additional Government Pleader
For R2 & R4	: No appearance

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to pay the bill amount of Rs.88,52,665/- for the work done under the respondent for the Kadaladi Union Ithampadal-Erwadi road to Kalpark road based on the representation of the petitioner, dated 20.07.2022 and communication of the first respondent in Na.Ka.No.R6/3370/2019.

2.Heard Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for the first respondent and Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the third respondent.

3.The learned counsel for the petitioner submits that the petitioner is a class one contractor. From the year 2007 he is doing work of the National Highways and State Highways and Public Works Department and Rural Development Department . The respondent in the year 2019-2020 under state finance commission branch (SFC)

2019-2020 have formed a package of work under the DRDA for the lying of roads in



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the Kadaladi union blocks. Based upon the notification of the first respondent dated 01.11.2019 in Na.Ka.R6/3370/2019 the work of laying roads Kadaladi union from the Ithampadal-Erwadi road to Kalpark road was listed wherein which the tender was called for as the two cover system and the petitioner was successful bidder to the tune of Rs.1,29,89,000/-. He has been doing work for six months and have almost completed 75% work to the tune of Rs.88,52,665/- and quality check have been supervised by respondents wherein which he has submitted material books to the respondents. The work has been done to the tune of Rs.88,52,665/- and the said payment is not disbursed till date. Hence, the petitioner made a representation to the first respondent to pay the bill amount for the work done as per the agreement and the first respondent by proceedings dated 02.11.2021 in Na.Ka.No.R6/3370/2019 recommended to the Block Development Officer, Kadaladi to dispose of the amount. Even after the communication of the first respondent, the respondents have not paid the said amount. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the third respondent would submit that appropriate direction may be given to the third respondent to consider the petitioner's request in accordance with law, within a time frame.



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5.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the third respondent to pay a sum of Rs.88,52,665/- to the petitioner by considering his representation, dated 20.07.2022 and the communication of the first respondent in Na.Ka.No.R6/3370/2019 and pass orders on merits and in accordance with law and payment to be paid within a period of six months from the date of receipt of a copy of this order.

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

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

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