



W.P.(MD)No.26398 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26398 of 2022

S.Rajam

.. Petitioner

Vs.

1.The District Collector,
Collectorate, Thanjavur District,
Thanjavur.

2.The Block Development Officer,
Orathanadu Block, Orathanaadu,
Thanjavur District.

3.The Block Development Officer,
Peravurani Block,
Peravurani, Thanjavur District.

4.The Block Development Officer,
Sethubavachatram Block,
Sethubavachatram,
Thanjavur District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to disburse the arrears amount of Rs.99,35,800/- as mentioned in petitioner's representation dated 12.08.2022 with interest to the petitioner for the earthing work done by the petitioner for LED Street Lights during 2018 for the respondents 2 to 4/Panchayats along with interest at the rate of 18% per annum from the date of completion of work and till the date of realization within the stipulated time.



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For Petitioner : Mr.R.Subburaj
For R1 : Mr.D.Sadiq Raja
Additional Government Pleader
For R2 to R4 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to disburse the arrears amount of Rs.99,35,800/- as mentioned in the petitioner's representation, dated 12.08.2022 with interest to the petitioner for the earthing work done by the petitioner for LED Street Lights during 2018 for the respondents 2 to 4/Panchayats along with interest at the rate of 18% per annum from the date of completion of work and till the date of realization within the stipulated time.

2.Heard Mr.R.Subburaj, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for first respondent and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 2 to 4. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the payment for the earthing work for putting Led street lights done by the petitioner has not been disbursed



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to the petitioner. His representation submitted seeking to release the amount has also not been considered.

4. The learned counsel for the petitioner submitted that the petitioner had undertaken and done the earthing work for LED street lights during the year 2018 for various Panchayats under the respondents 2 to 4. After completion of the work, the petitioner had requested the first respondent to release the arrears to be paid to the petitioner. Thereafter, the first respondent issued guidelines to the Block Development Officer to release the funds. But till date, even after the repeated requests made by the petitioner, the Block Development Officer has not taken any steps to release the amount to the petitioner. Hence, the petitioner made a representation, dated 12.08.2022 seeking to release the fund to the first respondent. The same is also kept pending without consideration. Hence, the petitioner had filed the present writ petition.

5. The learned Special Government Pleader appearing for the respondents 2 to 4, on instructions, submitted that there is no sufficient fund as on date with the respective Panchayats and the respondents will pay the arrears to the petitioner, immediately after receiving funds from the Government.



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6. Though larger relief is sought for by the petitioner in this writ petition, now the petitioner is constrained to confine his prayer that if a direction is issued to the respondents to consider the representation of the petitioner, dated 12.08.2022.

7. No prejudice would be caused to the respondents, if the representation of the petitioner dated 12.08.2022 is considered on merits and in accordance with law, after hearing the petitioner as well as the rival claimants, if any.

8. Accordingly, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation of the petitioner, dated 12.08.2022 on merits and in accordance with law after affording an opportunity of hearing to the petitioner, within a period of six [6] weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

23.11.2022

Index : Yes/No
Internet : Yes/No
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<https://www.mhc.tn.gov.in/judis>



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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23.11.2022