



WEB COPY



W.P.No.2791 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.2791 of 2023

M/s.Kumar Engineering
rep. by its Proprietor,
Mr.V.Kumar,
No.48, Cuddalore Road,
Mudaliarpet,
Puducherry - 605 004.

... Petitioner

Vs.

1.The Conservator of Forests,
Department of Forest & Wildlife,
Government of Puducherry,
Cuddalore Road,
Puducherry.

2.The Deputy Conservator of Forests,
Department of Forest an Wildlife,
Government of Puducherry,
Cuddalore Road,
Puducherry.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.1,49,500/- towards petitioner Bill No.1722, dated 19.09.2016 along with 18% interest per annum from the date of bill till its payment by considering the petitioner's representation dated 20.07.2022.



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For Petitioner : P.Suresh Babu

For Respondents : Mr.A.Tamilvanan,
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.1,49,500/- towards petitioner Bill No.1722, dated 19.09.2016 along with interest @18% per annum from the date of bill till the date of payment by considering the petitioner's representation dated 20.07.2022.

2.The case of the petitioner is that by order dated 30.06.2016 the petitioner was given a Work Order to repair or replacement of damaged materials at Venkata Nagar Children Park at Puducherry. He completed the above work and Invoices were raised on 19.09.2016 for a sum of Rs.2,55,200/- towards Bill No.1722. The respondents have released the payment of Rs.1,05,700/- after a year. Thereafter, the respondents did not pay the balance amount of Rs.1,49,500/- to the petitioner. Hence, the petitioner gave a representation to the Lt.Governor of Puducherry on 06.01.2018. Thereafter, he sent a representation to the 2nd respondent on 20.07.2022 for the settlement of bill amount but no action has been taken till date. Hence, this Writ Petition has been filed.



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3.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has claimed to have given certain works by an I.A.S. Officer. However till his retirement no claim whatsoever has been made. According to them, no records are available in the Department to show that the works have been allotted to the petitioner at the relevant point of time. Therefore, he would submit that this Writ Petition is not maintainable.

4.As rightly pointed out by the learned counsel appearing for the respondents, the representation was given after the so called I.A.S. Officer retired from service and no papers are available. At this stage direction to the respondents to consider the representation, is nothing but a futile exercise. In such view of the matter, the petitioner may be advised to file a suit to establish his right.

5.Accordingly, the Writ Petition is dismissed. However, there shall be no order as to costs.

06.02.2023

Index :Yes/No

Neutral Citation : Yes/No.

Speaking Order / Non-Speaking Order
mps



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To
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N. SATHISH KUMAR, J.

mps

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