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W.P.No.12424 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.12424 of 2023

G.Kuppusamy & Co.
Represented by its Proprietor
Mr.J.Vinyagamurthy,
Having business at No.16,
III Cross Gandhi Nagar,
Puducherry – 605 009

... Petitioner

Vs.

1. The Chief Engineer,
Public Work Department,
Puducherry – 605 005.
2. The Executive Engineer,
Public Work Department,
Puducherry – 605 005.
3. The Secretary,
Public Work Department,
Puducherry – 605 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, seeking for a direction to the 1st respondent to consider the representation of the petitioner dated 02.11.2022 and to remit the payments due to the petitioner along with interest within a time frame fixed by this Court.



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For Petitioner : Mr.Adarsh Subramanian
For Respondents : Mr.Ramaswamy Meyyappan
Government
Advocate(Puducherry)

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 02.11.2022 and to remit the payments due to the petitioner along with interest within a time frame fixed by this Court.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the issue involved in the present case has already been settled by this Court in W.P.Nos.32054 and 32056 of 2019 vide order dated 10.04.2023 and the relevant portion of the order reads as under:

8. It is seen from the earlier proceedings of this Court that Advocate Commissioners have been appointed to inspect the masts in Pondicherry region and Karaikal region and they have been directed to file a report. Further, on a bare perusal of records, it reveals, while seeking for payments for the said erection, the petitioners have not enclosed the Work Orders issued in their favour. It is true that an expenditure / payments can be done from the ex-chequer only based on proper



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approval. That being the position, only after proper enquiry, the issue can be resolved. Further, petitioners have to submit proper records before the respondents for getting their payments and if they are entitled, the respondents shall act further for processing their payments.

9. However, considering the limited request made by the learned counsel for the petitioner, without going into the merits of the matter, this Court directs the petitioners herein to submit fresh representation in the above regard along with necessary enclosures to the fifth respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representations, the 5th respondent shall conduct an enquiry with regard to installation of High Mast Lights in Pondicherry region and Karaikal region, claimed to have been erected by the petitioners herein and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioners or any other interested parties, within a period of twelve weeks thereafter.”

3. Learned Government Advocate appearing for the respondents did not dispute the facts submitted by learned counsel appearing for the petitioner and also has no objection to passing the said order.



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4. Heard learned counsel appearing on either side and perused the materials placed before this Court.

5. In view of the issue having been settled already and the present case falls squarely within the four corners of the said decision, this Court is inclined to extend the same benefit to this petitioner also.

6. Accordingly the writ petition is disposed of and the petitioner is directed to submit fresh representation along with necessary enclosures to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent shall conduct an enquiry with regard to installation of High Mast Lights in Pondicherry region, claimed to have been erected by the petitioner herein and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner or any other interested parties, within a period of twelve weeks thereafter. No costs.

21.04.2023

Index : Yes / No
Speaking order / Nonspeaking order
Netrual Citation Case : Yes / No
(rap)



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To

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M.DHANDAPANI, J.

(rap)

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