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Writ Petition No.21971 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.21971 of 2023

M/s.R.Mallan Constructions,
Rep by its Proprietor R.Mallan,
Having Office at No.2/243, Uzhavankottai,
Mittanoolahalli Post, Dharmapuri Taluk,
Dharmapuri District.

... Petitioner

Vs

1.The District Collector,
Dharmapuri District.

2.The Block Development Officer,
Office of Block Development,
Dharmapuri District – 636 701.

3.The President,
Mukkalnaickanpatti,
Dharmapuri Panchayat Union,
Dharmapuri District.

4.The Vice President,
Mukkalnaickanpatti,
Dharmapuri Panchayat Union,
Dharmapuri District.

(R4 impleaded vide order dated 28.07.2023 made in
WMP.No.21835/2023 in W.P.No.21971 of 2023 by SSJ)

... Respondents



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PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus directing the respondents to implement the order/proceedings of the 2nd respondent dated 25.04.2023 vide its Na.Ka.No.1183/2021/3, Based on petitioner's concern representation dated 19.06.2023 within the time frame as fixed by this Court.

For Petitioner : Mr.K.Prabhakaran

For Respondents : Mrs.S.Anitha
Special Government Pleader for R1
Mr.K.Karthikeyan
Government Advocate for R2 and R3
No appearance for R4

ORDER

The petitioner is seeking a direction to the respondents to implement the order of 2nd respondent dated 25.04.2023 by considering the representation of the petitioner dated 19.06.2023.

2. According to the petitioner, he executed certain work for 3rd respondent/Panchayat in the nature of laying drinking water pipe line. The 2nd respondent herein by his proceedings dated 25.04.2023 passed an order directing the 3rd respondent/Panchayat to release a sum of Rs.8,13,589/- to



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the petitioner towards the work executed by him. Since the respondents 3 and 4 failed to pay the amount as directed by the 2nd respondent, petitioner submitted a representation before the 1st respondent stating that due to non-cooperation of Vice President, the amount has not been released in pursuance of the order passed by the 2nd respondent. The petitioner requested the 1st petitioner to intervene and take necessary steps for payment of the amount for the work executed by the petitioner. The same has not been considered, therefore, the petitioner has come up by way of this writ petition.

3. Heard, the arguments of the learned counsel for the petitioner and Mrs.S.Anitha, Special Government Pleader appearing for the 1st respondent and Mr.K.Karthikeyan, Government Advocate appearing for the respondents 2 and 3. Though notice was ordered by the 4th respondent/Vice President of the Panchayat and the name is printed in the cause list, there is no representation for the 4th respondent.

4. A perusal of the order passed by the 2nd respondent dated 25.04.2023 would make it clear that the petitioner executed certain work for



the 3rd respondent/Panchayat for laying drinking water piper line. After completion of the work, the 2nd respondent passed an order directing the 3rd respondent to release a sum of Rs.8,13,589/- to the petitioner towards the work done.

5. When the matter is taken up for hearing, the learned counsel appearing for the respondents 2 and 3 on instructions submit that due to non-cooperation of Vice President and other members of the Panchayat, the 3rd respondent was not able to disburse the amount to the petitioner as directed by the 2nd respondent.

6. In view of the said submission made by the learned counsel appearing for the respondents 2 and 3, this Court is inclined to issue a direction to the 1st respondent to consider the representation of the petitioner dated 19.06.2023 and take necessary steps for payment of the amount, as per the proceedings of the 2nd respondent in Na.Ka.No.1183/2021/3, dated 25.04.2023.



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7. It is needless to say that if the activities of the Panchayat is stalled by non-cooperation of the members to the President of Panchayat under Section 204(3) of Panchayat Act, the 1st respondent can take appropriate action.

8. Therefore, the 1st respondent is directed to consider the request of the petitioner and take necessary steps for disbursal of the amount to the petitioner for the works executed by him within a period of six weeks from the date of receipt of copy of this order. The decision of 1st respondent shall be taken on merits and in accordance with law without any way influenced by any observation of this Court.

9. Accordingly, this writ petition is disposed of. No costs.

31.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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S.SOUNTHAR, J.

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