



W.P. Nos.32054 and 32056 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. Nos.32054 of 2019 and 32056 of 2019
and
W.M.P. Nos.17551 and 17554 of 2022

K.S. Mani Electricals
Represented by its Proprietor
K. Subramanian

... Petitioner in W.P.
No.32054 of 2019

G. Kuppusamy & Co.
Represented by its Proprietor
J. Vinyagamurthy

... Petitioner in W.P.
No.32086 of 2019

Vs

1. The Union of India,
Represented by the Chief Secretary,
Government of Pondicherry,
Pondicherry.

2. The Secretary,
Department of Finance,
Government of Pondicherry,
Pondicherry.

3. The Secretary,
Adi dravidar Welfare Department,
Government of Pondicherry,
Pondicherry.



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4. The Director,
Adi Dravidar Welfare Department,
Government of Pondicherry,
Pondicherry.

5. The Managing Director,
Pondicherry Adi Dravidar Development Corporation (PADCO)
No.30, II Cross,
Pon Nagar,
Reddiyarpalayam,
Pondicherry.

... Respondents

W.P. No.32054 of 2019 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 4 and 5 to release the funds under the Civic and Basic Amenities Funds, to the petitioner towards the installation of High Mast Lighting system and availing External Service Connection at various places in Pondicherry and Karaikal and further in changing of the 400W High Mast light to LED light fittings as specified by the 5th respondent in letter 05.09.2017.

W.P. No.32056 of 2019 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 4 and 5 to release the funds under the Civic and Basic Amenities Funds, to the petitioner towards the installation of High Mast Lighting system and availing External Service Connection at various places in Pondicherry and Karaikal and further in changing of the 400W High Mast light to LED light fittings as specified by the 5th respondent in letter 31.08.2017 and 05.09.2017.



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For Petitioner in both writ petitions : Mr.B. Balavijayan

For Respondents in both writ petitions : Mr.Ramasamy Meyyappan
Government Advocate (Pdy)

COMMON ORDER

Since the issue involved in both writ petitions, are one and the same, these writ petitions are disposed of by way of a common order.

2. In view of the order proposed to be passed by this Court in these writ petitions, there is no necessity for any impleadment. Accordingly, W.M.P. Nos.17551 and 17554 of 2022 are closed.

3. The crux of the issue involved herein is that during the years 2016 and 2017, the 5th respondent assigned the work of erection of High Mast lighting system and external service connection at various places in Puducherry and Karaikal region to the petitioners herein. Though the said task was successfully completed by the petitioners, till date payments have not been disbursed to them by the respondents. In such circumstances, the respective petitioners have submitted several representations seeking for the aforesaid payments. However, it is the case of the petitioners that their representations seeking for payments in respect of erection of the High



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Mast Lighting system have not been considered, till date by the respondents and hence, they filed these writ petitions for issuance of appropriate direction from this Court.

4. Learned counsel for the petitioners submits that only after completion of the work entrusted to the respective petitioners, they sought for release of their payments by way of several representations to the respondents. He further submitted that it would suffice if this Court issues direction to the 5th respondent to consider the petitioners' representations and pass orders on merits within a particular time frame to be fixed by this Court.

5. Learned Government Advocate (Pondicherry) appearing for the respondents submitted that neither any tender has been awarded nor any Work Orders have been issued in favour of the respective petitioners. When that being so, submitting representations seeking payments for installation of High Mast / Mini Mast Lights is unsustainable and hence, he prays for dismissal of these writ petitions.

6. Responding to the submissions of the learned Additional Government Pleader, learned counsel for the petitioners drew the attention



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of this Court to the earlier proceedings of this Court, dated 29.06.2022, whereby, directions were issued for appointment of Advocate Commissioner to resolve the dispute and therefore, he prays before this Court for issuance of appropriate directions in the above regard.

7. Heard learned counsels on both sides and perused the materials available on record.

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 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.



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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 5th 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.

10. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

Note : Issue order copy on 13.04.2023

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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M.DHANDAPANI, J.

vsi2

To

1. The Chief Secretary,
The Union of India,
Government of Pondicherry,
Pondicherry.

2. The Secretary,
Department of Finance,
Government of Pondicherry,
Pondicherry.

3. The Secretary,
Adi dravidar Welfare Department,
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4. The Director,
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