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W.P. No. 34376 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34376 of 2023

A.Raja Rajeshwaran

... Petitioner

-VS-

1. The District Collector,
Erode District,
Erode.
2. The Assistant Director of Panchayaths,
Collectorate, Erode.
3. The Block Development Officer,
Sathyamangalam Panchayat Union,
Sathyamangalam,
Erode District.
4. Sampath Kumar,
Councillor,
Ukkaram Panchayat,
Sathyamangalam,
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents 1 to 3 herein to pay the sum of Rs.15,16,068/- towards the balance amounts and Rs.6,27,094/- retained by the 3rd respondent herein totalling Rs.21,43,162/- to the petitioner for the construction of compound wall at Government High



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School, Milmedu, Ukkaram Panchayat, Sathyamangalam Panchayat Union,

Erode District within a stipulated period.

For Petitioner : Mr. K.Govi Ganesan

For Respondents : Mr. U.Baranidaran (for R1 and R2)
Additional Government Pleader

Mr. S.Balamurugan (for R3)

ORDER

Heard Mr. K.Govi Ganesan, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First and Second Respondents and Mr. S.Balamurugan, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that he had constructed a compound wall for the Government High School, Milmedu, Ukkaram Panchayat, Sathyamangalam Panchayat Union, Erode District and he had made a representation dated 31.10.2023 to the Third Respondent to make payment of the balance amount of Rs. 21,43,162/- remaining unpaid towards the same, but as it did not evoke any response, it has necessitated the filing of this Writ



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3. Learned Government Advocate appearing for the First to Third Respondents has filed a memo dated 21.12.2023 in which it has been stated as follows:-

“2. It is submitted that a sum of Rs.46,75,000/0- was allotted by the Government of Tamil Nadu under (Mahatma Gandhi National Rural Employment Guarantee Scheme) MGNRGS 2020-2021 Scheme for the construction of compound wall for Government High School, Milmedu, Ukkaram Panchayat, Satyamangalam Panchayat Union, Erode District.

3. It is submitted that the Writ Petitioner had commenced the work on 06.07.2021 and on 11.11.2021 a sum of Rs.10,17,632/- was credited in the Petitioner's Bank account and in pursuance of disputes raised with regard to usage of sub standard bricks for construction of compound wall the construction materials were procured through another merchant namely M/s. Adhavan Associates and now the entire work of construction of compound



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wall was completed. However, owing to concerns raised about the use of substandard bricks a change in procurement source to M/s.Adhavan Associates was made. The entire construction has now concluded, and the Assistant Engineer, Rural Development, Satyamangalam, has assessed the final cost at Rs.40,47,906/- Notably, Rs.10,17,632/- has already been settled with the Petitioner and Rs.4,12,534/- has been disbursed for unskilled workers. Additionally Rs.40,46,95/- has been allocated for skilled wages, Rs.2,29,261 for partial skill wages, Rs.46,750 as a labor welfare fund deduction, Rs.4,20,966 as GST and Rs.15,16,068 has been settled with Adhavan Associates. The Written instruction received from the 3rd Respondent is enclosed along with this Memo.”

It is evident that the matter falls within the realms of disputed questions of fact which cannot be effectively determined in the summary procedure under Article 226 of the Constitution and the same would have to be answered one way or the other only in a proper framed suit impleading necessary parties before the Civil Court. Consequently, it is not possible for this Court to delve in the merits of the involved in the Writ Petition.



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WEB COPY In fine, the Writ Petition is dismissed with the aforesaid observations. No

costs.

21.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.05.2024.

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To

1. The District Collector,
Erode District,
Erode.
2. The Assistant Director of Panchayaths,
Collectorate, Erode.
3. The Block Development Officer,
Sathyamangalam Panchayat Union,
Sathyamangalam,
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4. Sampath Kumar,
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P.D. AUDIKESAVALU, J.

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