



W.P.(MD) No.2519 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2519 of 2020

G.Mandhira Muthu

.. Petitioner

Vs.

1.The District Collector,
Tuticorin District.

2.The Assistant Director of Town Panchayat,
Tirunelveli Zone,
Tirunelveli District.

3.The Executive Officer,
Vilathikulam Town Panchayat,
Tuticorin District.

4.Dhanasingh,
Executive Officer,
Vilathikulam Town Panchayat,
Tuticorin District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to take appropriate action as against the 4th respondent for his illegal act of demanding bride from the petitioner and consequently



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direct the 3rd respondent to permit the petitioner to complete the work as per the work order in Na.Ka.No.32/2019 dated 08.03.2019 and thereafter to pay Rs.2,50,000/- contract amount to the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

This Writ Petition is filed to direct the 1st and 2nd respondents to take action against the 4th respondent who the petitioner had accused of seeking bribe.

2. The short facts for disposing of the writ petition are hereinbelow set out:

The petitioner is said to be a contractor of the Town Panchayat, Vilathikulam Taluk, Tuticorin District. The 4th respondent, who is the Executive Officer of the Town Panchayat, called for tender for erection of bore well and water tank in the 7th Ward of Vembar Road, Vilathikulam Taluk. The petitioner would submit that he had participated in the tender



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on 26.02.2019 and was allotted the work. However, it is the case of the petitioner that he was not issued with a work order. Without issuing the work order, he was directed to start work by the 4th respondent, who had assured that he would pass orders later. The total price for the contract was fixed at Rs.2,50,000/-. The petitioner would submit that he had started the work on 26.02.2019 and completed the same in the month of March, 2019. The petitioner would further submit that to clear his bill, the 4th respondent demanded bribe of Rs.50,000/-. However, the petitioner had not given the same and had lodged a complaint with the 1st and 2nd respondents. Meanwhile, the 4th respondent had issued an order on 02.08.2019 stating that the petitioner had not completed the work and that he would be imposing fine of Rs.500/- for every days delayed. Surprisingly, this order has not been challenged by the petitioner. On the contrary, the petitioner would submit that he had spent a sum of Rs.75,000/- for the work and the same has not been paid to him.

3. The learned Government Advocate, on instructions, submit that though the work order was issued to the petitioner on 08.03.2019, he has



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not moved a brick and therefore, the contentions that he had completed the work in March, 2019 is absolutely a false statement. The learned Government Advocate would submit that the petitioner has come to Court with an absolutely false case.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the records.

5. The contention of the learned Government Advocate that the petitioner has come to Court with a false case appears to be plausible for the following reasons:

(a) The petitioner claims that he had participated in the tender on 26.02.2019. He would state that he had commenced the work of erecting the bore well on 26.02.2019 on the oral instruction of the 4th respondent. This statement on the face it appears to be false, since there is no possibility of the 4th respondent having made such a statement when the tender was yet to be opened; and

(b) The petitioner would further submit that he has completed the work in March, 2019. The total cost of the work is Rs.2,50,000/-.



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However, the petitioner would submit that he has spent a sum of Rs.75,000/- for erecting the bore well. The petitioner, who claims to have completed the work in March, 2019 has not taken any steps till the filing of this writ petition in February, 2020.

6. The petitioner has not filed any proof whatsoever to show that the 4th respondent had demanded bribe. That apart, on 02.08.2019, the 4th respondent had called upon the petitioner to complete the work within three days from the date of receipt of the notice, failing which he would be levied a sum of Rs.500/- for every days delayed. The petitioner has not responded to the said letter and has not challenged the same. In these circumstances, the relief claimed by the petitioner in this writ petition cannot be granted particularly when there is no proof to support the same. In the result, this Writ Petition is dismissed. However, there would be no order as to costs.

13.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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