



W.P.(MD).No.10605 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

W.P.(MD).No.10605 of 2023

M.John Rose

... Petitioner

Vs.

**1.The Regional Director,
Municipality Administration,
Thirunelveli, Thirunelveli District.**

**2.The Commissioner,
Padmanabhapuram Municipality,
Padmanabhapuram, Thuckalay-629 175,
Kanyakumari District.**

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.09.2020 and to pay the estimate amounts for the work of providing sewage motor pump pipe line facilities with repair works to sewage collection sump at Bharathi Nagar in Ward No.16 and for the construction work of drainage with cover slab and laying paver block at Maathavilasam street in Ward No.16 of second respondent's Municipality in the year 2016-2017.



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For Petitioner : Mr.S.Jayakumar
For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader
for R1
Mr.P.Aathi Moolapandian
for R2

ORDER

This Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents, particularly, the second respondent, to consider the representation of the petitioner dated 23.09.2020, seeking payment of estimate amounts for the work of providing sewage motor pump pipe line facilities with repair works to sewage collection sump at Bharathi Nagar in Ward No.16 and for the construction work of drainage with cover slab and laying paver block at Maathavilasam street in Ward No.16 in the second respondent Municipality in the year 2016-2017.

2. In the affidavit filed in support of the writ petition, it had been stated that the writ petitioner is a Class IV Contractor in the second respondent Municipality and had been awarded aforementioned work and



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commenced the work on 01.10.2016 and completed on 19.12.2016. It had been stated that a sum of Rs.4,05,000/- had been recommended to be paid to the petitioner, with respect to the first work and with respect to the second work, a sum of Rs.5,12,532/- had been recommended to be paid to the petitioner. The petitioner claims that the said amounts have not been paid to him. It had also been stated that audit was done from 2011 to 2012 and the petitioner had given a representation for payment of the amount.

3. Even a bare reading of the records shows that the claim of the petitioner is barred by limitation. However, if there is a continuing contract between the petitioner and the second respondent, the second respondent may consider the representation and pass necessary orders keeping in mind the prevailing regulations relating to the contract and relating to terms and conditions of the contract and relating to the disputes resolution clause and relating to the law of limitation. The second respondent may also keep in mind the recommendation that the petitioner had actually completed the work and therefore, is entitled for the amount. All these factors are to be taken into consideration and the



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second respondent may pass necessary orders on or before **30.06.2023** and before passing the order, the petitioner should be issued with notice and given an opportunity of hearing.

4. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

28.04.2023

Index: Yes/No
Internet: Yes/No
ssb

To

- 1.The Regional Director,
Municipality Administration,
Thirunelveli, Thirunelveli District.
- 2.The Commissioner,
Padmanabhapuram Municipality,
Padmanabhapuram, Thuckalay-629 175,
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C.V. KARTHIKEYAN, J.

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