



W.P.(MD).No.12467 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.12.2023

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.12467 of 2021
and W.M.P(MD).No.9767 of 2021

D.Justin Sunder Singh

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration,
Fort St.George,
Chennai-600 009.

2.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

3.The District Collector,
Kanyakumari District,
Nagercoil.

4.The Assistant Director (Mines and Minerals),
Collectorate Office,
Nagercoil, Kanyakumari District.

5.The Commissioner,
Colachel Municipality,
Colachel Post,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for



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the records pertaining to the impugned order of termination of the fifth respondent in Na.Ka.No.566-1/2018/E1 dated 23.06.2021 and quash the same and direct the respondents to allow the petitioner in continuing the contract work of septage scheme.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel

For Respondents : MrA.K.Manikkam
Special Government Pleader
for R1 to R4
Mr.P.Subbaraj for R5

ORDER

This Writ Petition was filed challenging the termination order passed by the fifth respondent dated 23.06.2021 and for a consequential direction to the respondents to allow the petitioner to continue with the work as per the contract and to complete the same.

2. When the matter came up for hearing during previous occasion, the learned counsel appearing for the fifth respondent submitted that the project itself has been dropped since objections were made on the ground that the proposed project was over a water body. Hence, this Court directed the learned counsel appearing for the petitioner to take instructions in that regard.



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3. When the matter was taken up for hearing today, Mr.M.Ajmal Khan, the learned Senior Counsel appearing on behalf of the petitioner submitted that the project itself has been dropped due to the objections raised and hence, the main prayer that was sought for in the writ petition may no longer survive. However, the learned Senior Counsel submitted that for whatever work that was completed by the petitioner, the amount that was due and payable has to be settled to the petitioner. In this regard, the learned Senior Counsel also pointed out to M-Book, wherein, it was found that the amount that was due and payable to the petitioner as on 09.04.2019 was to the tune of Rs.43,50,000/- (Rupees Forty Three Lakhs Fifty Thousand only). The learned Senior Counsel submitted that even thereafter, the petitioner had done some work and hence, the amount that was due and payable towards the same must also to be paid to the petitioner.

4. Taking into consideration the facts and circumstances of the case and the subsequent development that has taken place, there shall be a direction to the petitioner to make a fresh representation to the fifth respondent by pointing out to the amount that is due and payable to him. On receipt of the same, the fifth respondent shall settle the admitted



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amount to the petitioner within a period of four weeks thereafter. If the amount is not settled within the time frame fixed by this Court, the petitioner will be entitled for interest at the rate of 6% per annum from the date when the amount became due and payable, till the date of actual payment of the amount.

5. This Writ Petition is disposed of in the above terms. There shall be no order as to costs. Connected miscellaneous petition is closed.

12.12.2023

Index : Yes/No

Internet : Yes/No

ssb



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To

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N.ANAND VENKATESH.J.,

ssb

**Order made in
W.P.(MD).No.12467 of 2021**

**Dated :
12.12.2023**



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W.M.P.(MD).No.9767 of 2021

N.ANAND VENKATESH, J.

Today this matter is listed under the caption 'for being mentioned' on the ground that in paragraph No.3 of the order of this Court dated 12.12.2023, the date has been wrongly typed as 09.04.2019 instead of 19.04.2019.

2.In view of the same in paragraph No.3 of the order dated 12.12.2023 in W.P.(MD).No.12467 of 2021, the date shall be read as **19.04.2019** instead of 09.04.2019.

3.The Registry is directed to carry out the amendment and issue fresh order copy.

25.04.2024

krk