



W.P.(MD)No.17179 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17179 of 2023

R.Venkatesh

... Petitioner

versus

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Block Development Officer,
Thirupathur Block,
Thirupathur,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the 2nd respondent to disburse Rs.59,75,349/- payable to the petitioner for the road construction works as per the 1st respondent proceedings in Na.Ka.D71/3360/19 dated 09.03.2022 and Na.Ka.D75/3360/19 dated 27.11.2022 along with the enhanced 6% taxes payable under the CGST & SGST and interest of 18% per annum to the amount of Rs.59,75,349/- till the final payment made by the 2nd respondent



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considering his representation dated 16.06.2023.

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For Petitioner : Mr.S.M.Anantha Murugan
For R1 : Mr.M.Sarangan,
Additional Government Pleader
For R2 : Mr.A.Baskaran,
Additional Government Pleader

ORDER

The petitioner is a Road Contractor. Based on the quotation made by the petitioner, the first respondent, by his proceedings dated 08.02.2020, issued allotment order to the petitioner, allotting him the block level panchayat road strengthening work. According to the petitioner, on receiving the allotment order, he immediately started the road work and completed all the three road works within the stipulated time. But, he has received the amount for completion of one road work from the 2nd respondent and he has not received the amount for the remaining two road work. Now, it is the grievance of the petitioner that though the first respondent, by his proceedings dated 09.03.2022 and 27.11.2022, directed the second respondent to issue a crossed



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cheque for Rs.30,34,571/- and Rs.29,40,778/- for completion of two other road works, the second respondent has not issued the cheques.

Therefore, he made a representation dated 16.06.2023 to the 2nd respondent requesting him to issue cheques for Rs.59,75,349/-. However, there was no response on the said representation. Hence, the petitioner has filed this writ petition.

2. Mr.A.Baskaran, learned Additional Government Pleader, who takes notice for the second respondent, on instructions, submits that the petitioner was awarded with a contract for road work in the year 2020. But, he has not completed the work within the time stipulated by the respondent. Thereafter, extension of time was granted to the petitioner to complete the work and he has completed the work only on 27.12.2022. In the meantime, the amount. which has been sanctioned for the contract work, has lapsed and therefore, necessary orders have to be obtained from the Government to distribute the amount to the petitioner.



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WEB COPY 3. During the year 2020, the second respondent has floated tender to execute road work in the Panchayat. The petitioner was participated in the tender and he was declared as a highest bidder. The first respondent, by his proceedings dated 08.02.2020, issued allotment order to execute the road work. Due to the pandemic situation, the petitioner could not complete the road work and therefore, extension of time was granted to the petitioner to complete the work. Thereafter, he completed the road work. Though the first respondent, by his proceedings dated 09.03.2022 and 27.11.2022, directed the second respondent to issue a crossed cheque for Rs.30,34,571/- and Rs.29,40,778/-, the second respondent has not issued the said cheques. Once the petitioner was awarded with a contract work and he was allowed to complete the work, the second respondent is duty bound to settle the amount to the petitioner. Even after completion of the contract work, the petitioner was not settled with the amount.



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4. Therefore, this writ petition is allowed with a direction to the second respondent to settle the amount to the petitioner with permissible interest from the date of completion of work till the date of settlement, within a period of three months from the date of receipt of a copy of this order. No costs.

17.07.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Block Development Officer,
Thirupathur Block,
Thirupathur,
Sivagangai District.



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B.PUGALENDHI, J.

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