



WP(MD)No.19358 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.11.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.19358 of 2021

C.Sathyaseelan

...Petitioner

/Vs./

- 1.The Commissioner,
Madurai Corporation,
Madurai.
- 2.The Executive Engineer,
Zone – 4, Madurai Corporation,
Madurai.
- 3.The Assistant Executive Engineer,
Zone – 4, Madurai Corporation,
Madurai.
- 4.The Assistant Engineer,
Zone – 4, Madurai Corporation,
Madurai.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents not to interfere in the continuation of the petitioner progressing work of laying public roads in the i) Ref.No.Ma.Po.4/Est.548/20-21 dt.25.2.2021 Pambhan nagar main and 1st street, (ii) Ref.No.Ma.Po.4/Est.543/20-21 dt.25.2.2021 in Ferakka nagar, Malligainagar, Ward No.95, (iii) Ref.No.Ma.Po.4/Est.544/20-21 dt.25.2.2021 farekka Nagar, Extension velachery road 1st and 2nd street, work orders issued by



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the 2nd respondent and as per the representation of the petitioner to the 1st respondent on 23.10.2021 and to fix a time frame by this Court.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.K.K.Kannan

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents not to interfere with the continuation of the work by the petitioner in laying the road pursuant to the work order that was issued to the petitioner by the second respondent.

2. When the matter came up for hearing on 22.11.2023, this Court passed the following order:-

“This Writ Petition was filed for a direction to the respondents to permit the petitioner to continue with the work of laying road pursuant to the work order issued in favour of the petitioner by the second respondent.

2.The grievance of the petitioner is that the second respondent had issued a work order in his favour on 25.02.2021 for laying road. The petitioner claims that he has completed 60% of the work. Due to the intervention of the assembly election, the road work was stopped. Thereafter, the petitioner made a



representation to the respondents to permit him to complete the remaining work also. A representation was also made in this regard on 23.10.2021. Since the same was not considered, the present Writ Petition has been filed before this Court.

3.The third respondent has filed a counter affidavit and has taken a stand that the petitioner has only completed the first part of the work and the claim made by the petitioner to the effect that he has completed 60% of the work has been denied. The third respondent has stated that the work was stopped due to two reasons. The first reason is that there was an intervening assembly election. The second reason is that drinking water pipeline laying work was carried out under a scheme and hence, it was decided that till this work is completed, the road laying must be kept in abeyance.

4.The learned Standing Counsel appearing on behalf of the Madurai Corporation submitted that the pipeline laying work is yet to be completed and hence, the road laying will commence only after the completion of the pipeline work. The learned Standing Counsel further submitted that the petitioner has already made a subsequent representation seeking for the payment for the work that he had already done and this representation is pending before the Assistant Engineer.

5.In the light of the above developments, the learned Counsels on either side shall take instructions and report before this Court.

6.Post this case on 29.11.2023.”



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3. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the Madurai Corporation submitted the relevant materials showing the bills that have been raised by the petitioner for the work completed by him and further submitted that the same is under process.

4. The learned counsel appearing for the petitioner submitted that till date, the pipe line work has not commenced and what remains is laying of the road by the petitioner. The learned counsel submitted that the petitioner was only carrying out the work as per the work order that was issued in favour of the petitioner by the second respondent.

5. In the considered view of this Court, the work order that was issued in favour of the petitioner is not in dispute. It is also not in dispute that the petitioner has commenced the work and the petitioner claims that 60% of the work is completed and whereas the respondent Corporation claims that only the first portion of the work has been completed.

6. It is not necessary for this Court to go into the issue as to how much work has been completed by the petitioner. The fact remains that the respondent Corporation wants to complete the laying of the road only after the



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water pipeline is laid. This position taken by the respondent Corporation cannot be faulted since after laying the road, it will be a complete waste of time and energy, if the road is once again dug for laying drinking water pipeline.

7. In view of the above, there shall be a direction to the third respondent to process the bills that have been submitted by the petitioner for the work that has already been completed and the payment shall be made to the petitioner within a period of four weeks from the date of receipt of a copy of this order. Immediately after the drinking water pipeline work is completed, it will be left open to the respondent Corporation to call upon the petitioner to lay the road. It is not possible for this Court to fix any time, since it is stated that the pipeline laying work has not even commenced.

8. This writ petition is disposed with the above directions. No costs.

29.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

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TO:-

- 1.The Assistant Executive Engineer,
Zone – 4, Madurai Corporation,
Madurai.

Order made in
W.P.(MD)No.19358 of 2021

Dated:
29.11.2023