



WP(MD)No.17917 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17917 of 2014
and
MP(MD)No.1 of 2014

N.Kannan

... Petitioner

v.

1.The Assistant Director of Panchayat,
Collectorate Office,
Dindigul.

2.The Executive Officer,
Chinnalapatti,
Chinnalapatti, Dindigul District.

3.The Executive Officer,
Sithayankottai Town Panchayat,
Sithayankottai,
Dindigul District.

4.Thiru Stanly,
Junior Engineer,
Town Panchayat,
Batlagundu Division,
Dindigul District.

... Respondents



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WEB COPY Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings passed by the first respondent in Na.Ka.No. 2155/2013/Peroo3, dated 19.08.2013 and quash the same and consequently, directing the respondents to pay a sum of Rs.72,000/- for the additional work performed in the second respondent Town Panchayat and a sum of Rs.1,38,000/- towards the additional work performed in the third respondent Town Panchayat.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner, a registered Contractor, executed certain works pursuant to a tender floated by the first respondent in respect of the second and third respondent Town Panchayats in the year 2007. The estimate of the work is Rs.3,00,000/-. According to the petitioner, he was also directed to do certain additional works to put up three Dolphin statues, a fountain, see-saw, etc. For the additional works, he claimed a sum of Rs.72,000/- from the second



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respondent and a sum of Rs.1,38,000/- from the third respondent. The first respondent, by referring the M-book, rejected the request of the petitioner that the petitioner is not the licensee insofar as the third respondent panchayat is concerned and that the licensee was already settled with a sum of Rs.81,000/- for the works done by him. Insofar as the second respondent panchayat is concerned, the petitioner was settled with a sum of Rs.66,000/- for the works done by him.

2. According to the petitioner, he performed the additional works and they were carried out by him beyond the tender conditions and therefore, there was no estimate for the same. The petitioner claims that he has carried out the additional work at a cost of Rs.72,000/- & Rs.1,38,000/- for the second and third respondent panchayats respectively. On the other hand, the respondents claim that a sum of Rs.66,000/- was settled to the licensee by the second respondent panchayat and a sum of Rs.81,000/- was settled to the licensee by the third respondent panchayat for the works done, as recorded under the M-book.



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3.This Court, under Article 226 of the Constitution of India, cannot conduct a roving enquiry as to the claim made by this petitioner. Therefore, this writ petition is dismissed with liberty to the petitioner to work out his remedy before the competent civil Court for recovery of money, if so advised. The period during which this writ petition is pending before this Court shall stand excluded for the purpose of calculating the limitation period. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

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NCC : Yes / No

gk

To

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B.PUGALENDHI, J.

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