



W.P.(MD)No.15214 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.15214 of 2015**

K.Natarajan

... Petitioner

versus

1. The Chief Engineer (National Highways),  
O/o. the Chief Engineer,  
Chepauk,  
Chennai – 5.
2. The Superintending Engineer (National Highways),  
O/o. the Superintending Engineer,  
Cheinnachokkikulam,  
Madurai – 2.
3. The Divisional Engineer (National Highways),  
O/o. Divisional Engineer Office,  
Highways Mechanical Yard Complex,  
Thiruppathur Road,  
Sivagangai.
4. The Assistant Divisional Engineer (National Highways),  
O/o. Assistant Divisional Engineer Office,  
Sivagangai,  
Sivagangai District.



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5. The Assistant Engineer (National Highways),  
O/o. the Assistant Engineer Office,  
Paramakudi,  
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to sanction payment to the petitioner to the tune of Rs.47,16,219/- for having completed the work allotted to him within the period that may be stipulated by this Court.

For Petitioner : Mr.Mohammed Imran  
for M/s.Ajmal Associates

For Respondents : Mr.P.T.Thiraviam,  
Government Advocate

### **ORDER**

The petitioner, a Registered Contractor, is said to have executed the following works.

- (i) Urgent Repairs in KM 80/0 – 83/0 of NH 49 (New NH 87)
- (ii) Urgent Repairs in KM 83/0 – 86/0 of NH 49 (New NH 87)
- (iii) Urgent Repairs in KM 87/0 – 90/0 of NH 49 (New NH 87)
- (iv) Urgent Repairs in KM 150/0 – 158/0 of NH 210



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(v) repair work done on a bridge proceeding from Paramakudi to Manamadurai Bridge with JCB.

Now, the petitioner, with a grievance that the amount has not been disbursed for the works executed by him, has filed this writ petition in the year 2015 for a Mandamus directing the respondents to sanction the payment to the tune of Rs.47,16,219/- for having completed the work allotted to him.

3. The learned Government Advocate appearing for the respondents, by relying upon the counter affidavit filed by the Divisional Engineer, National Highways, Madurai, submits that the petitioner was entrusted with four works, namely, (i) Urgent Repairs in KM 80/0 – 83/0 of NH 49 (New NH 87); (ii) Urgent Repairs in KM 83/0 – 86/0 of NH 49 (New NH 87); (iii) Urgent Repairs in KM 87/0 – 90/0 of NH 49 (New NH 87); (iv) Urgent Repairs in KM 150/0 – 158/0 of NH 210 and for those works, the amount has been settled to the petitioner on 12.11.2015. With regard to the 5<sup>th</sup> work claimed by the petitioner, the Divisional Engineer, National Highways, Madurai, has



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stated that there is no record available in the office that the petitioner has executed 5<sup>th</sup> work as claimed by him.

4. The learned counsel for the petitioner submits that in respect of the 5<sup>th</sup> work, work order has not been issued and at the request of the officials, the petitioner has executed the 5<sup>th</sup> work. He further submits that M book is available with the petitioner, which would prove that the 5<sup>th</sup> work has been executed by the petitioner and therefore, he seeks time to produce M Book before this Court.

5. This Court considered the rival submissions made.

6. The petitioner claims that he has executed five works as stated above. Except the 5<sup>th</sup> work, four works have been accepted by the respondents, for which, the amount has been disbursed to the petitioner on 12.11.2015, that too only after the filing of this writ petition. With regard to the 5<sup>th</sup> work, the respondent has taken a stand that no such



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work has been executed by the petitioner. The petitioner is also not in a position to produce the work order based on which he has executed the work. In the absence of any valid document that the petitioner has been entrusted with the 5<sup>th</sup> work, this Court is not inclined to issue any positive direction to the respondents. Accordingly, this writ petition is closed. No costs.

**17.11.2023**

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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**B.PUGALENDHI, J.**

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