



WP(MD)No.22117 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.22117 of 2023

V.Arumugasamy ... Petitioner

Vs

- 1.The District Collector,
District Rural Development Agency,
Thoothukudi,
Thoothukudi.
- 2.The Additional Collector (Development) /
Project Officer,
District Rural Development Agency,
Thoothukudi District,
Thoothukudi.
- 3.The Assistant Director (Panchayat),
Thoothukudi.
- 4.The Block Development Officer (Block Panchayat),
Vilathikulam,
Thoothukudi District.
- 5.The President,
Periyasampuram Panchayat,
Vembur, Vilathikulam Taluk,
Thoothukudi District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a writ of mandamus, directing the respondents to disburse the balance bill amount of Rs.10,94,056/- (Rupees Ten Lakh Ninety



WP(MD)No.22117 of 2023

Four Thousand and Fifty Six Rupees Only) to the petitioner with an appropriate interest as fixed by this Court for the work done (Strengthening of Periyasamyuram Jebamalai Matha Aalayam Road) by the petitioner at Periyasampuram Panchayat, Vilathikulam Panchayat Union, Thoothukudi District in view of the 4th respondent's communication vide No.Thi2/4641/2019, dated 12.05.2023.

For petitioner : Mr.C.Masilamani

For Respondents : Ms.D.Farjana Ghousia
Additional Government Pleader

ORDER

The petitioner is a contractor and he was awarded with a contract work for laying of road on Periyasampuram Jebamalai Matha Alayam Road KM.0/0 to 0/900 at Periyasampuram Panchayat by the 5th respondent Panchayat on 27.04.2020. The petitioner claims that the total value of the contract is Rs.19,00,000/- (Rupees Nineteen Lakh) and he has completed the work at a cost of Rs.18,94,055/- with the stipulated period. The grievance of the petitioner is that for the work executed by him the 5th respondent panchayat has paid Rs.8,00,000/-



WP(MD)No.22117 of 2023

(Rupees Eight Lakh) to the petitioner and the balance amount of Rs.10,94,055/- (Rupees Ten Lakh Ninety Four Thousand and Fifty Five Rupees) is not paid so far.

2.The petitioner has submitted two representations dated 14.02.2023 and 29.04.2023 to the respondents 2,3 and 4 and also issued notice through Advocate and has filed this writ petition.

3.In response to this writ petition, the learned Special Government Pleader submits that the panchayat is not having sufficient funds. The learned Special Government Pleader has also produced the written instructions received from the BDO, Vilathikulam and submits that the balance amount would be settled to the petitioner within a period of three months.

4.This Court considered the rival submissions and perused the materials placed on record.



WP(MD)No.22117 of 2023

5.The notification for laying of road through contract was issued by the 1st respondent on 04.11.2019 vide notification No.30 of 2019. It is not known that as to how the 1st respondent has called for tender for laying of road without having sufficient funds. Further the work is said to have been completed by the petitioner within time. The work completion certificate has been issued to the petitioner. The District Collector has passed an order in RC.No.3804/2020/A10, dated 10.12.2021, sanctioning a sum of Rs.18,94,055/- towards payment for the value of the work done and also directed the 5th respondent panchayat president to pay a sum of Rs. 17,82,445/- after deductions and recoveries from the petitioner, from the 14th Finance Commission 2019-2020 through the President, Periyasampuram Village Panchayat, Vilathikulam Panchayat Union. This order has been passed on 10.12.2021. Even after the orders of the District Collector, the amount is not disbursed to the petitioner so far.



WP(MD)No.22117 of 2023

6. In view of the above, this writ petition is allowed. The 1st respondent / the District Collector is directed to conduct an enquiry into the issue and find out if the amount allotted for the particular contract work has been diverted to any other work or misused and take appropriate action accordingly. Further the 1st respondent is directed to ensure that the petitioner is paid with the balance amount within a period of four weeks from the date of receipt of a copy of this order with 12% interest per annum. If there is any mistake on the part of the panchayat, the interest shall be recovered from the panchayat president concerned. No costs.

12.09.2023

Internet: Yes / No
NCC : Yes / No

DSK



WP(MD)No.22117 of 2023

To

WEB COPY

- 1.The District Collector,
District Rural Development Agency,
Thoothukudi,
Thoothukudi.
- 2.The Additional Collector (Development) /
Project Officer,
District Rural Development Agency,
Thoothukudi District,
Thoothukudi.
- 3.The Assistant Director (Panchayat),
Thoothukudi.
- 4.The Block Development Officer (Block Panchayat),
Vilathikulam,
Thoothukudi District.
- 5.The President,
Periyasampuram Panchayat,
Vembur, Vilathikulam Taluk,
Thoothukudi District.



WEB COPY



WP(MD)No.22117 of 2023

B . PUGALENDHI , J .

dsk

WP (MD) No . 22117 of 2023

12 . 09 . 2023