



WP(MD)No.14031 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.14031 of 2016

D.Thanislas

... Petitioner

v.

1.The Secretary to Government,
Public Works Department,
Chennai.

2.The District Collector,
Kanyakumari District,
Kanyakumari.

3.The Superintending Engineer,
Thamirabarani Basin Circle,
Tirunelveli.

4.The Executive Engineer,
WRO, PWD,
Kodhaiyaru Basin Division,
Seruppalur, Kanyakumari District.

5.The Assistant Engineer,
WRO, PWD,
Neyyar Section – 1,
Kuzhithurai, Kanyakumari District.

... Respondents



WP(MD)No.14031 of 2016

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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 23.03.2015 to disburse the amount to him along with interest in respect of the construction work of Bridge in Parakuntru – Chemenkalai Canal (Mullayar Branch Canal) at Kodiavaravilai in maruthancode Panchayat, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.M.Mohana Sundaram

For Respondents : Mr.A.Kannan,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking a mandamus directing the respondents to disburse the amount to him along with interest for the construction work of Bridge in Parakuntru – Chemenkalai Canal (Mullayar Branch Canal), Kodiavaravilai, Maruthancode Panchayat, Vilavancode Taluk, Kanyakumari District.

2.Learned Counsel for the petitioner submitted that the construction work was allotted to the petitioner by way of a tender and this petitioner has



WP(MD)No.14031 of 2016

also executed the work. The respondents have paid a sum of Rs.3,25,000/-

and are yet to pay the balance amount of Rs.8,75,000/-.

3.Learned Additional Government Pleader for the respondents submitted that the total value of the project is Rs.11,91,986/-, however, the petitioner has not completed the entire work. The petitioner's work has been assessed to the tune of Rs.3,87,004/-. To that value of his work, on 24.03.2011, a sum of Rs.2,40,446/- was settled and on 31.03.2011, a sum of Rs.1,27,293/- was settled to the petitioner. Therefore, the petitioner is not entitled for any further amount.

4.This Court paid it's anxious consideration to the rival submissions and also perused the available materials.

5.This writ petition is pending before this Court since 2016. The petitioner claims that he has completed the entire work, whereas, the respondents are disputing the same that he has completed part work. The respondents further claim that the amount for the completed work has also



WP(MD)No.14031 of 2016

been duly settled. On this disputed question of facts, this Court cannot conduct a roving enquiry and take a decision in writ jurisdiction. It is always open to the petitioner to approach the appropriate civil Court and to establish his case for recovery of money. While calculating the period of limitation, the period in which the litigation was pending before this Court shall stand excluded, since the writ petition was pending from the year 2016.

With the above observations and directions, this writ petition stands disposed of. No costs.

Index : Yes / No
Internet : Yes / No
gk

27.02.2023

To

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WP(MD)No.14031 of 2016

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WP(MD)No.14031 of 2016

B.PUGALENDHI, J.

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WP(MD)No.14031 of 2016

27.02.2023