



WEB COPY



W.P.No.9213 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9213 of 2024

RVG Metal Industries
represented by its Manager
V.Gowtham
6, Sakthi Colony, Bharathi Nagar
Ganapathy, Coimbatore-641 006

...Petitioner

Vs.

The Executive Officer
Pooluvappati Town Panchayat
Pooluvappati
Coimbatore-641 101

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider and pass appropriate orders on the representation of the petitioner dated 20.12.2023, wherein a request has been made for the payment of bills to the tune of Rs.22,91,184/-(Rupees Twenty Two Lakh Ninety One thousand hundred and eighty four) raised by the petitioner for various work orders issued for installing and changing from conventional to Solar and LED lamps with masts, within a reasonable time.

For Petitioner : Mr.Sabareeswaran

For Respondent : No Appearance

ORDER



W.P.No.9213 of 2024

WEB COPY This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondent to consider and pass appropriate order on the representation of the petitioner to consider and pass appropriate orders on the representation of the petitioner dated 20.12.2023 wherein a request has been made for the payment of bills to the tune of Rs.22,91,184/-(Rupees Twenty Two Lakh Ninety One thousand hundred and eighty four) raised by the petitioner for work orders issued for installing and changing from conventional to Solar and LED lamps with masts, within a reasonable time.

2. The petitioner RVG Metal Industries represented by its Manager, has filed this Writ Petition seeking payment for the work done at Poluvappati Town Panchayat, providing solar lights and LED lights along with the fixtures and other materials. The petitioner submits the Panchayat has to pay Rs.9,52,012/-, Rs.12,88,672/-, Rs.30,000/- (EMD amount) and Rs.20,500/-(EMD amount).

3. According to the petitioner that industry was originally run by



W.P.No.9213 of 2024

WEB COPY

the petitioner's father R.Vijayakumar who made a claim for payment of money for the work done and he died on 17.05.2021. The petitioner who is the legal heir of the deceased R.Vijayakumar took over the petitioner company as the manager and claimed the same, but the authorities did not even respond to the petitioner's claim. According to the petitioner he is only authorised to file this Writ Petition as he has been taking care of the company in the cadre of Manager after his demise.

4.The learned counsel for the petitioner would further submit that the petitioner has given representation to the Assistant Commissioner, Directorate of Town Panchayat (IUDM Scheme), Collectorate Building, Coimbatore on 03.10.2023 and he has also filed Writ Petition No.36108 of 2023 and the same was withdrawn by the petitioner on 22.12.2023 as the representations were not sent to the respondent who had actually issued work orders and liable to pay the money due and payable to the petitioner. Again the petitioner sent a representation to the respondent along with the other Executive Officers of Town Panchayat concerned where the petitioner was involved in similar type of tender works. In spite of knocking the doors of this Court, the Court has directed him to file



W.P.No.9213 of 2024

WEB COPY

Writ Petition against each of the Executive Officers of the the Town Panchayat as there cannot be a common order against various authorities.

The petitioner had even sent a representation on 28.12.2023, but there has been no response for the same. The petitioner submits that he is entitled to receive the money from the authorities for the work done. The petitioner was directed to send notice to the Executive Officer, Pooluvappati Town Panchayat, Coimbatore. Till date even though the respondent has received the same not appeared in person or through counsel.

5.Hence, this Court is of the view that petitioner has made out a case and the Writ Petition is allowed directing the respondent to pay the eligible amount to the petitioner as per the bills being produced by the petitioner herein and the other EMD amount which has to be returned to the petitioner after following the due procedure of law within a period of eight weeks. No costs.

03.06.2024

Index:Yes/No
Speaking order/Non-speaking order
kpr



WEB COPY



W.P.No.9213 of 2024

Copy To:

The Executive Officer
Pooluvappati Town Panchayat
Pooluvappati
Coimbatore-641 101



WEB COPY



W.P.No.9213 of 2024

V.BHAVANI SUBBAROYAN,J.

kpr

W.P.No.9213 of 2024

05.06.2024.