



W.P.No.10898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.10898 of 2024

M/s.S.J.Brothers
Class-III, Civil Engineering Contractor
No.1C/9, South Pragaram Street
Thiruvotriyur
Chennai-600 019
rep by its partner
B.Vasanthi

...Petitioner

Vs.

1.The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai-600 003

2.The Chief Engineer (General)
Greater Chennai Corporation
Rippon Buildings
Chennai-600 003

3.The Zonal Officer
Zone No.1, Greater Chennai Corporation
Thiruvotriyur
Chennai-600 019



W.P.No.10898 of 2024

4.The Zonal Health Officer
Zone No.1, Greater Chennai Corporation
Thiruvotriyur,
Chennai-600 019

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payment of Rs.12,21,696/- to the petitioner for the work executed by the petitioner as per the work order in Z.O.1/Na.Ka.No.2200/H1/2016 dated 29.02.2016 on the file of the 3rd respondent based upon the representations of the petitioner dated 15.05.2017, 02.02.2018, 06.08.2018,19.12.2018,20.02.2019,06.06.2019,25.11.2019,12.05.2020, 22.12.2020,09.06.2021,08.12.2021,21.04.2022,19.10.2022,22.05.2023, 29.11.2023,27.03.2024 and 12.04.2024.

For Petitioner : Mr.S.Doraisamy

For Respondents : Ms.K.Aswini Devi, Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the the respondents to disburse the payment of Rs.12,21,696/- to the petitioner for the work executed by the petitioner as per the work order in Z.O.1/Na.Ka.No.2200/H1/2016 dated 29.02.2016 on the file of the 3rd respondent based upon the representations of the petitioner dated 15.05.2017,02.02.2018,06.08.2018,19.12.2018,20.02.2019,06.06.2019,



W.P.No.10898 of 2024

WEB COPY

25.11.2019,12.05.2020,22.12.2020,09.06.2021,08.12.2021,21.04.2022,
19.10.2022,22.05.2023,29.11.2023,27.03.2024 and 12.04.2024.

2. The facts of the case is that the petitioner is a Class -III Civil Engineering contractor under the respondent Corporation. The petitioner executed several works under various departments within the time stipulated in the tender schedule with high quality of works. Petitioner participated in the tender called for by the 3rd respondent and became a successful bidder and he was given the letter of acceptance on 26.02.2016 and work order was issued on 29.02.2016. The 3rd respondent extended the contract for a further period of 10 days. The total cost spent by the petitioner for the above work was Rs.12,21,696/-. However, no payment was made to the petitioner. The 3rd respondent issued a letter to the petitioner informing that the agreement copy was sent to the 2nd respondent for approval, as and when the approval is granted, the payment will be made. Since the payment was not forthcoming the petitioner sought a reply under the Right to Information, wherein a reply was given by the 4th respondent on 31.08.2017, promising the petitioner that payment will be made within a period of 10



W.P.No.10898 of 2024

WEB COPY

days. But the same was not paid to the petitioner and hence the petitioner sent representation to the respondents on various dates requesting them to make payment of Rs.12,21,696/- for the work executed by the petitioner. Hence, the present Writ Petition.

3. The learned counsel appearing for the petitioner submitted that it would be suffice if this Court issues a direction to the respondents to disburse the payment of Rs.12,21,696/- to the petitioner for the work executed by the petitioner as per the work order in Z.O.1/Na.Ka.No.2200/H1/2016 dated 29.02.2016 on the file of the 3rd respondent based upon the representations of the petitioner dated 15.05.2017,02.02.2018,06.08.2018,19.12.2018,20.02.2019,06.06.2019, 25.11.2019,12.05.2020,22.12.2020,09.06.2021,08.12.2021,21.04.2022, 19.10.2022,22.05.2023,29.11.2023,27.03.2024 and 12.04.2024.

4. Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner and Ms.K.Aswini Devi, learned Standing counsel for the respondents/Corporation.



W.P.No.10898 of 2024

WEB COPY

5. Learned Standing counsel appearing for the respondents/Corporation would submit that a direction will be issued to the respondents to consider the representations of the petitioner after affording an opportunity of personal hearing and orders will be passed.

6. Considering the facts of the case, this Court without expressing any opinion on the merits of the case, directs the respondents to disburse the payment of Rs.12,21,696/- to the petitioner for the work executed by the petitioner as per the work order in Z.O.1/Na.Ka.No.2200/H1/2016 dated 29.02.2016 on the file of the 3rd respondent based upon the representations of the petitioner dated 15.05.2017, 02.02.2018, 06.08.2018, 19.12.2018, 20.02.2019, 06.06.2019, 25.11.2019, 12.05.2020, 22.12.2020, 09.06.2021, 08.12.2021, 21.04.2022, 19.10.2022, 22.05.2023, 29.11.2023, 27.03.2024 and 12.04.2024 by affording an opportunity of personal hearing and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

With the above observation, this Writ Petition is disposed of. There



W.P.No.10898 of 2024

shall be no order as to costs.

WEB COPY

30.04.2024

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

Copy To:

1.The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai-600 003

2.The Chief Engineer (General)
Greater Chennai Corporation
Rippon Buildings
Chennai-600 003

3.The Zonal Officer
Zone No.1, Greater Chennai Corporation
Thiruvotriyur
Chennai-600 019

4.The Zonal Health Officer
Zone No.1, Greater Chennai Corporation
Thiruvotriyur,
Chennai-600 019

V.BHAVANI SUBBAROYAN,J.

kpr



WEB COPY



W.P.No.10898 of 2024

W.P.No.10898 of 2024

30.04.2024.