



WEB COPY



W.P.No.16143 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16143 of 2021 and
WMP.No.17080 of 2021

B.Loganathan

... Petitioner

Vs.

- 1.The Principal Secretary cum Commissioner of Revenue
Administration/Disaster Management and
Mitigation Department, Ezhilagam, Chepauk,
Chennai 600 005
- 2.The Project Director,
District Rural Development Agency,
Tiruvallur
- 3.The District Collector,
Master Plan Complex NH 205,
Chennai – Tiruttani Highway,
Tiruvallur 602 001
- 4.The Block Development Officer,
Poondi, Tiruallur District,
Tamilnadu 602 203

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Mandamus directing the respondents to
disburse the admitted dues amounting to Rs.2,13,62,850/- (Rupees Two



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Crores Thirteen Lakhs Sixty Two Thousand Eight Hundred and Fifty Only) being the sum lawfully due to the petitioner and for consequential orders.

For Petitioner : M/s.V.Srimathi

For Respondents : Mr.S.J.Mohamed Sathik,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to disburse the admitted dues to the tune of Rs.2,13,62,850/-.

2. During Covid-19, so much of medical units were required. While being so, the respondents had identified Deendayal Medical College and Hospitals at Pattaraiperumbudur, Tiruvallur which was shut down due to some issue with Medical Council of India way back in the year 2014. Thereafter, the owners did not take any steps to care the property and it was abandoned. The said place had been neglected for long years and as such, the respondents decided to renovate and refurbish the buildings to use it as a care centre for Covid-19. Due to lack of use of these buildings, most of the constructions were in a dilapidated condition.



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Therefore, the second respondent directed the usage of the building initially as a quarantine centre who came from other States and districts to Tiruvallur District. In that regard, the third respondent inspected the premises and decided that if adequate facilities for water, electricity and toilets were available, premises can accommodate nearly 3000 persons. In order to carry out the said work, the third respondent identified the petitioner as Contractor to carry out the said job to ensure that covid-19 patients could be given critical treatment possible. Accordingly, the third respondent entrusted the work with the petitioner. The works were carried out on war footing considering the nature of emergency.

2.1 The petitioner carried out the entire work for restoration of the hospital building aggregates to the tune of Rs.2,02,39,000/-. The work was completed to the satisfaction of the authorities concerned by June 2020 itself. In the said premises, hospital has been fully functioning since July 2020. A covid-19 care centre and isolation ward with 600 bed capacity were established in the said premises. Apart from the same, the petitioner had also incurred other incidental costs including maintenance of the generators, fuelling generator, transporting the female employees



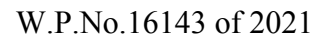
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to the hospital and fuel for the transport vehicles as well as allowances for the drivers. For all the expenditures, the petitioner duly maintained registers and all the registers were duly signed by the fourth and fifth respondents herein. The grand total for the maintenance work carried for the months of July to November 2020 comes to Rs.74,23,850/-. However, the petitioner was paid only Rs.63,00,000/- by the third respondent towards payment that was due towards cost incurred during the restoration work for the hospital building. Further, the third respondent had promised that the balance amount will be paid in due course of time. However, so far the petitioner was not settled and as such the petitioner submitted representation for disbursal of the entire dues.

3. Heard, the learned counsel appearing on either side.

4. On perusal of the status report filed by the third respondent revealed that after completion of the entire work, the third respondent formed a Committee in order to ascertain the genuineness of the claim and the Committee recommended a sum of Rs.1,25,28,879/- for civil works and Rs.54,29,263/- for electrical work, in total a sum of



5. Admittedly the petitioner was not settled the balance amount. That apart, there is difference in calculation of the cost as well as maintenance which was already spent by the petitioner. However, the respondents failed to settle even the admitted amount to the petitioner till today.

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7. With the above direction, this writ petition stands allowed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To

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Chennai 600 005



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G.K.ILANTHIRAIYAN, J.

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