



W.P. No.17828 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.07.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.17828 of 2024

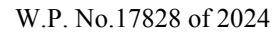
T. Selvam

....Petitioner

..Vs..

1. The District Collector,
Kancheepuram District
2. The Project Director,
District Rural Development Agency (DRDA),
Office of the District Collector,
Kancheepuram District
3. The Block Development Officer (Village Panchayat)
Kundrathur Panchayat Union,
Office at Padappai,
Kancheepuram District
4. The President,
Padappai Village,
Kancheepuram District
....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents to disburse



For petitioner : Mr. R. Dakshina Murthy

For Respondents : Mrs.N. Naveen Kumar for R1& R2
(Govt. Advocate)
:Mr.K. Surendran for R3 & R4
(Addl. Govt. Pleader)

ORDER

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2. The learned counsel for the petitioner submitted that the petitioner is a registered contractor, who regularly undertakes government contracts of various specifications. He is doing such contract works for and on behalf of the Government and Government Agencies for the past 25 years. The respondents have awarded various contractual works to the petitioner during the year 2020 and 2021. As per the terms and conditions of the work orders, the petitioner had deposited Earnest Money Deposit for each of the contracts awarded to him.

3. It has been further submitted by learned counsel for the petitioner that as per the specification of work, the petitioner had completed the entire items of works. After completion of the aforesaid works, he submitted the bills claiming the amount due and payable to him. The bills raised by the petitioner have been duly authorized and paid to him and it is not in dispute. However, the caution deposit remitted by the petitioner has not been returned by the respondents inspite of the completion of work. As per the work order, 7% of the caution deposit shall be released (5% + 1% + 1%) after six months of the completion of work. In the work orders, it was specifically stated that the cooling period for releasing the payment is after



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six months of the completion of work. However, even after lapse of two years, the caution deposit amount has not been remitted to the petitioner.

Even he was made to run from pillar to post to get back the legitimate amount and in spite of repeated reminders made in person the amount has not been disbursed to the petitioner by assigning one reason or the other.

4. The learned counsel for the petitioner further submitted that since the petitioner's repeated requests did not evoke any response, he sent a notice dated 01.04.2024 to the respondents through his advocate requesting them to sanction and disburse Rs. 14,95,266/- payable to him. Even though the notice dated 01.04.2024 has been received by the respondents, so far, the payment has not been made. Hence, the petitioner has filed the present writ petition seeking for the relief as prayed therein.

5. The learned Government Advocate and the learned Additional Government Pleader appearing for the respondents submits that this Court may pass appropriate orders accordingly as they do not have any objection in the prayer of the petitioner.



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6. Heard both sides and perused the materials available record.

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7. Having considered the facts and circumstances of the case and also considering the submissions made on either side, this Court without going into the merits of the case, directs the respondents to disburse the amount of Rs.14,95,266/- to the petitioner as per the terms and conditions set forth by the respondents in the Tender order, provided that if the petitioner is eligible to receive the payment and pass orders accordingly in the manner known to law as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of copy of this order.

8. In view of the above direction, the Writ petition is disposed of. No costs.

31.07.2024

Index : Yes/No
Internet: Yes/No
Lbm



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V.BHAVANI SUBBAROYAN, J.,

Lbm

To:

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Kancheepuram District
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