



W.P(MD)No.21142 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.21142 of 2019

G.K.Murali

... Petitioner

/Vs./

- 1.The Executive Engineer,
Central Public Work Department,
Office of the Executive Engineer,
IIM Trichy Project Division-II,
Chinna Suriyar Village,
Near Bharathidasan Univers
- 2.The Project Manager,
IIM Trichy Project Circle,
Central Public Work Department,
IIM Trichy Campus,
Pudukottai Main Road,
Trichy - 620 024.
- 3.Shapoorji Pallonji and Company Pvt Ltd.,
Enigneering Division,
No.70 Nagindas Master Road,
Fort, Mumbai,
State of Maharastra - 400 023.
- 4.Shapoorji Pallonji and Company Pvt.,Ltd.,
Regional Office-Global Infocity Park,
Module 4-A, 2nd Floor,
A Block, No.40 MGRSalai,
Kandansavadi, Perungudi,
Chennai - 600 096.

... Respondents



W.P(MD)No.21142 of 2019

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the written representation dated 26.06.2019 and disburse the outstanding balance to me for a sum of Rs.7,55,25,970.00/- within a stipulated time as prescribed by this Court.

For Petitioner : Mr.A.Chandrakumar
For R1 & R2 : Mr.K.R.Laxman
Senior Standing Counsel
For R3 & R4 : Mr.S.Sivagaminathan

ORDER

The petitioner has filed this writ petition seeking a direction to the respondents 1 & 2 to consider the representation dated 26.06.2019, wherein the petitioner seeks payment for the works carried out by the petitioner.

2.The third and fourth respondents herein are the actual contractors under the first and second respondents. The petitioner was engaged by the third respondent as a sub contractor. There was an agreement between the petitioner and the third respondent. The petitioner after completing the work allotted to him, submitted all the bills before the third respondent. But the third respondent making some false allegations that the work was not completed within the agreed time, refused to pay the amount. Therefore, the petitioner made a representation to the respondents 1 and 2. Since the same was not acted upon, the petitioner is constrained to file this writ petition.



W.P(MD)No.21142 of 2019

3.The learned Standing Counsel for the first and second respondents submits that there is no agreement between the petitioner and the first and second respondents. The first and second respondents hired only the third and fourth respondents as contractors and on completion of the work, the entire bills were settled to the third and fourth respondents. It is only the third respondent, who engaged the petitioner as a sub contractor. Hence, the first and second respondents have no role to play in this issue.

4.The learned counsel for the third and fourth respondents submits that the petitioner was engaged by the third and fourth respondents as a sub contractor. The bills were settled to the petitioner then and there and there is no due to be paid by the third and fourth respondents as claimed by the petitioner. He further submits that there is a clause in the contract that if the petitioner is having any grievance or claim as against the third and fourth respondents, he has to approach the General Manager of SPCL to redress the same. However, the petitioner without availing the alternative remedy, has filed this writ petition.

5.Admittedly, the petitioner entered into an agreement on 07.02.2015 with the third and fourth respondents for doing some construction work as a Sub Contractor. There is no agreement between the first and second respondents.



W.P(MD)No.21142 of 2019

Therefore, the petitioner cannot claim any relief as against the first and second respondents. The writ court will not be justified in issuing any direction as sought for by the petitioner. The issue has to be considered by the concerned Company. Hence, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed granting liberty to the petitioner to work out his remedy before the competent authority in the manner known to law. No costs.

18.03.2024

Index : Yes / No

Internet : Yes / No

ta

To

1.The Executive Engineer,
Central Public Work Department,
Office of the Executive Engineer,
IIM Trichy Project Division-II,
Chinna Suriyar Village,
Near Bharathidasan University

2.The Project Manager,
IIM Trichy Project Circle,
Central Public Work Department,
IIM Trichy Campus,
Pudukottai Main Road,
Trichy - 620 024.



WEB COPY



W.P(MD)No.21142 of 2019

B.PUGALENDHI,J.

ta

W.P(MD)No.21142 of 2019

18.03.2024