



WP(MD)No.13762 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.13762 of 2017

E.E.508 Pudukkottai Agro Engineering
Service Co-operative Centre Ltd.,
Pudukkottai, Thoothukudi District - 628 103,
Through its President
R.Muniasamy

.. Petitioner

v.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director of Panchayat,
NGO "B" Colony, Perumalpuram Post,
Tirunelveli District.

3.The Ettayapuram Town Panchayat,
Through its Executive Officer,
Ettayapuram, Thoothukudi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to release the sum of Rs.6,96,801/- with interest being the amount payable



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against the construction work done by the petitioner in pursuant to the work order issued by the third respondent dated 30.05.2014, by considering the petitioner's representation dated 24.03.2017.

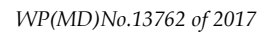
For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.1, R.2

Mr.M.Rajarajan for R.3

ORDER

The petitioner was awarded with a contract under the NABARD Scheme during the year 2013-14 by the third respondent / Town Panchayat for the purpose of construction of sanitary complex. A Government Poromboke land in S.No.187/32 to an extent of 41 cents was identified for the construction of the sanitary complex. The petitioner association was granted with the work order on 30.05.2014 and the petitioner has also constructed upto lintel level. At that point of time, one Muthammal and Sanmugathai have filed a suit before the District Munsif Court, Kovilpatti, in O.S.No.42 of 2015 and also obtained an order of injunction in I.A.No.237



2. In these circumstances, the petitioner association has submitted a representation requesting the third respondent to release a sum of Rs.6,96,801/- towards the cost of the work executed by them. The same was not considered. Therefore, the petitioner has filed this writ petition for a mandamus directing the respondents to release a sum of Rs.6,96,801/- with interest on the work executed by them, pursuant to the work order dated 30.05.2014.

3. When the writ petition is taken up for hearing, learned Counsel on either side submitted that the civil suit initiated by Muthammal and Sanmugathai in O.S.No.42 of 2015 was dismissed by the civil Court. Learned Counsel for the third respondent Panchayat submitted that on completion of the work only, the petitioner is entitled for the amount.



4.Learned Counsel for the petitioner submitted that the petitioner is a Society and that they are not in a position to pay salary to its employees.

5.This Court considered the rival submissions made on either side and perused the available materials.

6.The third respondent has identified this petitioner as the successful bidder to construct the sanitary complex in its Town Panchayat. There was a dispute as to the place identified for construction. In view of the civil suit filed by one Muthammal and another and the injunction order granted, the work could not be completed in time. The civil suit is now appears to have been dismissed. The third respondent has not denied the work executed by the petitioner, however, they claim that on completion of the work alone, they would pay the amount to the petitioner. The fact remains that the petitioner is a Society and it has to survive.

7.In view of the same, the third respondent is directed to prepare a revised estimate within a period of two weeks from the date of receipt of a



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copy of this order and shall furnish the same to the petitioner. The third respondent is also directed to pay part amount to the petitioner enabling them to complete the construction work, based on the revised estimate. On completion of the work, the third respondent shall settle the entire amount.

With the above directions, this writ petition stands disposed of. No costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

26.02.2024

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B.PUGALENDHI, J.

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