



W.P.No.19992 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

W.P No. 19992 of 2025

P.Chandran

... Petitioner

Vs

The Commissioner,
Tambaram Corporation,
Tambaram.

.... Respondent

Writ petition is filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter in Na.Ka.No.3648/2022/E1 dated 30.01.2023 on the file of the respondent quash the same and direct the respondent to make balance 25 percentage payment with interest for the work executed by the petitioner in pursuant to the Tender Notice in Na.Ka.No.1833/2020/E1 dated 09.02.2021 (Work Nos.2,4,6,7 and 10) and work order in Na.Ka.No.7503/2018/E1 dated 26.02.2021 on the file of the Commissioner, Pallavapuram (Pallavaram) Municipality within a stipulated time as fixed by this Honourable Court. (PRAYER AMENDED VIDE ORDER DT. 11.06.2025 MADE IN WMP.23367/2025 IN WP.19992/2025)

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.P.Srinivas,
Standing Counsel

ORDER

Writ petition is filed for a Writ of Certiorarified Mandamus, to quash the impugned letter dated 30.01.2023, of the respondent and for consequential direction to the respondent to pay the balance 25% payment with interest for the

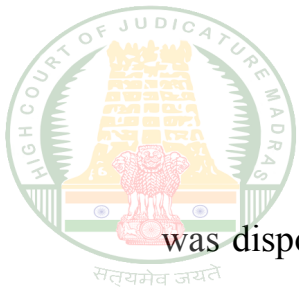


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work executed by the petitioner for the Pallavaram Municipality.

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2. The petitioner is a Civil Engineering contractor under the Highways, Public Works Department, Greater Chennai Corporation and Municipalities. The petitioner participated in a tender scheduled by the Pallavaram Municipality on 09.02.2021, for the work relating to the formation of Tar Roads. The petitioner was a successful bidder and was issued with a work order on 26.02.2021. The petitioner executed the work successfully and the total estimate of the work was to the tune of Rs.1.20 Crores. Even though the petitioner completed the work successfully, and the bills were raised, prepared and sanctioned by the authorities, the amount was not paid to the petitioner. The petitioner states that he raised loans for executing the work and because of the non-payment of the bills, the petitioner was struggling to pay his employees. The petitioner states that, the Pallavaram Municipality was merged with Tambaram Corporation and hence, the amount sanctioned to the petitioner should be paid by the respondent corporation. The petitioner submitted a representation on 29.04.2022, for settlement of the final bill, however, the respondent's did not pass necessary orders. The petitioner filed writ petition in W.P.No.17425 of 2022, for a direction to the respondent to settle the bill amount of Rs.80 Lakhs for the work executed by the petitioner. The said writ petition



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was disposed by this court on 08.07.2022, directing the respondent to consider

the petitioner's representation and pass appropriate orders on merits and in accordance with law within a period of six weeks. As the respondent did not release the payment, the petitioner was constrained to file contempt petition in Cont.P.No.158 of 2023. The petitioner states that during the pendency of the contempt petition, the respondent instead of disbursing the entire amount, disbursed only 75% of the amount vide the impugned order dated 30.01.2023. The petitioner aggrieved by the impugned order, filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that, the only reason stated in the impugned order for restricting the payment to 75% of the total amount was that a charge memo was issued and pending against the then Corporation Commissioner. The respondents stated that the balance amount would be paid only on completion of the enquiry initiated against the then Commissioner. The learned counsel submitted that the reason stated for restricting the payment to 75% of the total bill amount was unreasonable, arbitrary and against the principles of natural justice. The learned counsel submitted that the initiation of disciplinary proceedings against the then corporation Commissioner had no relation to the payment to be made to the



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petitioner for the works completed by him. The learned counsel therefore

prayed that the impugned order be set aside and writ petition be allowed.

4. I heard both the learned counsels and perused the materials placed on record. With the consent of both counsels, the writ petition is taken up for final disposal.

5. As rightly contended by the learned counsel for the petitioner, the only reason cited in the impugned order for restricting the payment to 75% of the total bill amount of Rs.80,00,000/- (Rupees Eighty Lakhs) is that disciplinary proceedings were initiated against the then Corporation Commissioner. In my view, the said reason is totally unreasonable and unfair. The initiation of disciplinary proceedings against the then Commissioner has no nexus to the payment to be made to the petitioner and that too for the works already completed by him. The respondent having extracted work from the petitioner cannot deprive the petitioner of his lawful dues.

6. Further, the learned counsel for the respondent admits that the work was successfully completed by the petitioner. Therefore there is absolutely no justification for the respondent to withhold the balance payment of 25%. I



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therefore find that the impugned order dated 30.01.2023, cannot be sustained and hence, the same is set aside. As the respondent has illegally retained the lawful dues of the petitioner, I am of the view that the petitioner is entitled to reasonable interest.

7. In fine, a direction is issued to the respondent to settle the petitioner's balance 25% of the total bill amount of Rs.80,00,000/- (Rupees Eighty Lakhs), with 6% interest from the date of completion of work, till the date of payment within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

Writ petition is accordingly allowed. However, there shall be no order as to costs.

11.06.2025

dsn

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The Commissioner,
Tambaram Corporation,
Tambaram.

N. MALA, J.



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