



Writ Petition No.32173 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.32173 of 2024

D.Karuppusamy
S/o.Duraisamy
Proprietor of M/s.SS Engineers
3/6, Kamadenu Nagar,Vadavalli
Bharathiar Univesity (Post)
Coimbatore-641041.

.... Petitioner

-Vs-

The Commissioner
Coimbatore City Municipal Corporation
Coimbatore
Tamil Nadu 641001.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, Directing the respondent to dispose of the representation made by the petitioner firm on 16.09.2024 and served on the respondent on 23.09.2024 in which a request has been raised by the petitioner to release and pay the withheld/Retention money of Rs.96 97 522/- (Rupees Ninety six laksh ninety seven thousand five hundred and twenty two only) towards the works completed by the petitioner .



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For Petitioner : Mr.G.Venkatesh

For Respondent : Mr.D.Ferdinand
Standing Counsel

ORDER

The Writ petition has been filed in the nature of a Mandamus seeking a direction to dispose of a representation dated 16.09.2024. The petitioner had sought release and payment of the amount withheld by the respondent to a sum of Rs.96,97,522/-. The petitioner seeks the amount should be refunded to him and the representation to be considered by the respondent herein.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner is the sole Proprietor of S.S.Engineers, Builders and Contractors. It had been stated that the respondent had issued a series of works which had been listed out in the affidavit, for the petitioner herein to execute. The petitioner had executed the works and had also raised bills for a total of 102 works completed by him. While paying the bill, the amount which had been initially retained as a safeguard for execution of the work had not yet been paid by the respondent. The petitioner claims that amount is Rs.96,97,522 and by this writ petition seeks refund of the same.



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3.The learned counsel for the petitioner forwarded a copy of the communication dated 22.11.2024 in Na.Ka.No.2282/2022/B15 issued by the respondent wherein they had stated that steps have been taken to refund the amount. However, there is a dispute over the quantum. The respondent is therefore directed to issue a notice to the petitioner to appear in person. The records may be verified and there may be reconciliation of the accounts and the amount which has to be paid to the petitioner. The fact that the respondent is due and liable to pay to the petitioner is a fact established. Therefore, the respondent is directed to effect such payment on or before 31.03.2025. If a substantial portion of the funds are not available they may seek allotment of such funds in the next financial year and pay the same to the petitioner. The issue with respect to reconciliation of the accounts will have to be addressed by the respondent for which, the representation of the petitioner may be considered.

4.The Writ Petition stands disposed of with the above terms. No costs.

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Index : Yes/No

NCS : Yes/No

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C.V.KARTHIKEYAN.,J
KP

To

The Commissioner
Coimbatore City Municipal Corporation
Coimbatore
Tamil Nadu 641001.

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