



W.P(MD)No.2378 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.2378 of 2023

Mother Social Service Trust,
Represented by its Managing Trustee / Director,
5A/3, Panimaya Nagar,
South Cotton Road,
Thoothukudi-1,
Thoothukudi District.

... Petitioner

Vs

- 1.The Chairman,
V.O.Chidambaranar Port Authority,
Thoothukudi.
- 2.The Secretary,
V.O.Chidambaranar Port Authority,
Thoothukudi.
- 3.The Chief Vigilance Officer,
V.O.Chidambaranar Port Authority,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 1st and 2nd respondents to disburse the amount of Rs.6,76,000/- along with interest to the petitioner Trust for completing the 3rd and 4th quarter work assigned by the 2nd respondent under S-12/40/2017-CDN/D/CSR D.1495 dated 15.05.2018.



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For Petitioner : Mr.S.Satheesh Kumar
for Mr.R.Pon Karthikeyan

For R – 2 : Mr.A.Arivuchandran

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents 1 and 2 to disburse a sum of Rs. 6,76,000/- with interest to the petitioner Trust for the completion of third and fourth quarters work assigned by the second respondent by order dated 15.05.2018.

2.The petitioner Trust was formed in the year 2015 with an object to create and maintenance of educational institutions and organizations for improvement of socio, economic, down trodden people. While being so, the Government of India enacted a new Act namely the Major Port Authorities Act, 2021 in which the first respondent is the Chairperson of the V.O Chidambaranar port. While being so, the Government of India introduced the Corporate Social Responsibility scheme which is continuing commitment by businesses to integrate social and environmental concerns in their business operations. Under the said scheme, the second respondent



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assigned welfare programmes on 15.05.2018 to the petitioner Trust to uplift the living status of the coastal community people at Mutharayar Nagar, Threspuram, Thoothukudi. The total finance assistance under the said scheme is Rs.13,52,000/-. The said amount has to be disbursed on the following terms:

"i. The total estimation of the above scheme will be Rs.13,52,000/- 25% of the total value ie., Rs. 3,38,000/- will be released as first instalment, after signing the total agreement. The voucher for the same will be produced after completion of the first quarter of work.

ii. The remaining amount of Rs.10,14,000/- will be made as three instalments, on completion of every three months project works, subject to fulfilling the performance and production of relevant documents and vouchers."

3. Accordingly, the petitioner Trust was paid the first instalment to the tune of Rs.3,38,000/-. Subsequently, the second instalment of Rs.3,38,000/- was disbursed to the petitioner on 07.11.2018. After completion of third quarter work when the petitioner approached for third instalment, the petitioner was directed to complete the fourth instalment and the entire amount



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will be paid. Accordingly, the petitioner after completion of third and fourth quarters of the project, the petitioner submitted the bill and voucher for the period from 01.11.2018 to 15.05.2019. However, the petitioner was asked bribe and as such, the claim of the petitioner was not considered. Therefore, the petitioner submitted a complaint before the third respondent as against the respondents 1 and 2. In fact, the petitioner also lodged a complaint before the District Legal Committee, Thoothukudi and the respondents 1 and 2 had appeared for enquiry. In the enquiry, the petitioner was compelled to withdraw the complaint lodged before the third respondent otherwise the amount will not be disbursed.

4. On perusal of the counter-affidavit and on the submissions made by the learned counsel appearing for the second respondent would reveal that the programme was for a period of 12 months from 15 May 2018 to 14 May 2019. After payment of two instalments, till October 2018, an inspection was conducted and the Corporate Social Responsibility Committee submitted a report by recommending not to clear the third and fourth instalments. Subsequently, the Corporate Social Responsibility Board level committee convened a meeting on 21.03.2022 and as per the



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recommendations and observations made by the examination committee recommended releasing the balance amount of Rs.6.76 lakhs to the petitioner in consultation with the Local District Administration. The Local District Administration by its report dated 03.06.2022 did not recommend for the payment of third and fourth instalments to the tune of Rs.6.76 lakhs in favour of the petitioner.

5. On perusal of the report dated 03.06.2022 submitted by the Local District Administration headed by the District Collector did not recommend disbursing the balance amount only on the ground that the petitioner failed to prove that in which building 83 children were given education and also did not accept the expenditure occurred by the petitioner for the period of six months. As directed by this Court, the petitioner produced all expenditure vouchers before this Court. That apart, after completion of the entire project the respondents 1 and 2 cannot deny the third and fourth instalment as agreed by them. If at all any violation of the conditions, the respondents 1 and 2 would have very well cancelled the entire project. After having been completion of the said project and extracted the work by providing all education to the downtrodden people, the respondents 1 and 2 cannot deny the



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subsequent payments. That apart, the respondents 1 and 2 have not taken any action so far as against the petitioner for any violations committed by the petitioner. Further, it is also seen that only based on the complaint lodged by the petitioner before the third respondent, the third and fourth instalments have been now denied by the respondents 1 and 2. Further, the Corporate Social Responsibility Committee duly recommended the case of the petitioner for disbursal of the third and fourth instalments as recommended by the examination committee. In view of the above, the respondents 1 and 2 are directed to disburse the sum of Rs. 6,76,000/- to the petitioner for the third and fourth quarter work assigned by the second respondent dated 15.05.2018 within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is allowed.

There shall be no order as to costs.

29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The Chairman,
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Thoothukudi.
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G.K.ILANTHIRAIYAN, J.

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