



W.P.(MD).No.5072 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5072 of 2025

N.Kannan

... Petitioner

-vs-

1. The Commissioner/
Appellate Authority,
Kodaikanal Municipality,
Dindigul District.

2. The Public Information Officer,
Office of Kodaikanal Municipality,
Kodaikanal 624 101,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to forthwith disburse the amounts withheld in the contract work performed by the petitioner in the respondent municipality and as evident from the proceedings of 1st respondent in Na.Ka.No.1696/2024/B2 dated 20.01.2025 within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.T.S.Mohammed Mohideen



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ORDER

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This writ petition has been filed seeking a direction to the respondents herein to forthwith disburse the amounts withheld in the contract work performed by the petitioner in the respondent municipality and as evident from the proceedings of 1st respondent in Na.Ka.No.1696/2024/B2 dated 20.01.2025 within a reasonable time as may be fixed by this Court.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The grievance of the petitioner is that he is the registered contractor with the respondent municipality and the respondent municipality withheld and deducted certain amounts for the works performed by the petitioner during 2011, stating that the same will be disbursed, after the final bill is approved and final bills were also approved. However, the withheld amounts have not been disbursed till date. With regard to the same, the petitioner made a representation dated 29.11.2024 to the respondents. Since the said representation was not considered and the amounts have not been disbursed till date, the petitioner has filed the present Writ Petition.



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4. The learned counsel appearing for the respondents submits that the respondents have no objection for disbursal of the withheld amount for the works done by the petitioner.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations and also recording the submission made by the learned counsel appearing for the respondents, there shall be a direction to the respondents to consider the petitioner's representation dated 29.11.2024, on its own merits and in accordance with law, and disburse the amounts for the work done by the petitioner, within a period of three months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard



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to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

6. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

12.03.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
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