



W.P.(MD)No.16418 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.16418 of 2019

Balaji Srinivasan

.. Petitioner

Vs.

1.The Divisional Engineer,
Highways Department,
Dindigul.

2.The Executive Officer,
Pannaikadu Town Panchayat,
Dindigul District.

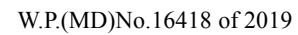
.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing respondents to refund the amount of Rs.7,71,182/- to the writ petitioner within a stipulated time to be framed by this Court.

For Petitioner : Mr.S.Kumar

For R1 : Mr.D.Sasikumar
Additional Government Pleader

For R2 : Mr.M.Rajarajan



The petitioner seeks a mandamus to the respondents to refund a sum of Rs.7,71,182/- paid by the petitioner for the purpose of laying a pipeline.

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3. The petitioner would submit that pursuant to this order on 25.11.2016, he had paid the amount to the 2nd respondent and when the petitioner approached the 1st respondent for permission, the 1st respondent directed him to deposit a sum of Rs.2,54,000/- towards possible damage that would be cost to the roads. It is the contention of the petitioner that he had also paid the said amount.

4. Meanwhile, one J.K.Pratheep Kumar had filed an appeal against the order passed in W.P(MD)No.20283 of 2016 and had obtained interim stay on 09.06.2017. Ultimately, the writ appeal came to be dismissed on 02.08.2017. Even thereafter, the 2nd respondent did not proceed with the work. Therefore, the petitioner sought for refund of the payment and representation to this effect was given on 06.12.2017 to the 2nd respondent.

5. The 2nd respondent by proceedings, dated 27.07.2018 informed the petitioner that on account of the objection from public, the work of laying pipeline for water connection was stopped and a sum of Rs.



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2,82,818/- had been refunded after deducting the alleged payment to the Contractor Tmt.Meena.

6. The petitioner would submit that admittedly the work of digging of earth was done only for certain distance and it was thereafter stopped citing public objection. Thereafter, the petitioner sent a representation dated 06.08.2018 calling upon the 1st respondent to refund the balance deposit amount of Rs.2,54,000/-. Since the amount has not been refunded, the petitioner had come forward with the writ in question.

7. The counter affidavit filed by the 1st respondent *inter alia* contending that the 1st respondent after receiving a sum of Rs.2,54,000/-, granted permission to the petitioner to dig road and lay pipeline. Therefore, pipe has been erected and therefore, the petitioner is not entitled to a refund. He would also go on to state that the pipe has been erected and therefore, the petitioner is not entitled to a refund.



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8. Today, when the matter is taken up for hearing, the learned Additional Government Pleader would submit that the remedy available to the petitioner is only to approach the High Level Dispute Resolution Committee which has been proposed by the Government, for which the Government Order in G.O(Ms)No.17, Highways and Minor Ports (HN-2) Department, dated 06.03.2023 had been issued, where guidelines for resolution has been set out :-

“In the letter read above, the Director General, Highways Department has stated that the Highways Department implements projects through various modes of contracts. Several contractual disputes arise in execution of the contract agreements in Highways Department. These disputes not only involve exorbitant legal costs, but also cause excessive time and cost overruns. Arbitrations, Court cases and other dispute resolution mechanism involve diversion of precious human resource of both parties involved in disputes. The procedure / guidelines stipulated in the G.O.Ms.No.1545 Public Works Department dated 26.07.1990 are being presently followed in the Highways Department, in respect of Dispute Resolution and Arbitration.



2. *The Director General, Highways Department has further stated that despite the existence of the above system, resolution of disputes is getting delayed resulting in inflated claim settlement causing loss to the Government exchequer. Moreover, at present, there is no appropriate internal monitoring mechanism to validate the legitimacy of the claims, except the agreement authority. Also, there is no clear forum to monitor the checks and balances of the arbitration process at any stage. There is also a felt need of institutionalized mechanism to take a call on filing appeals at every stage. Hence, to ensure an amicable settlement and speedy disposal of the pending / new disputes, the Director General, Highways Department has proposed to create a mediation mechanism for early settlement / resolution of Disputes.*

3. *The Director General, Highways Department has furnished a proposal to create a High Level Dispute Resolution Committee (HLDRC) and requested the Government to issue the guidelines for resolution of contractual disputes.”*

Therefore, the learned Additional Government Pleader would submit that the petitioner should approach this Committee.



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9. Heard the learned counsels on either side.

10. This writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner in the light of G.O(Ms)No.17, Highways and Minor Ports (HN-2) Department, dated 06.03.2023 and pass orders within a period of three (3) months from the date of receipt of copy of this order.

11. With the above directions, this writ petition stands disposed of.

No costs.

07.11.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Divisional Engineer,
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Dindigul.

2.The Executive Officer,
Pannaikadu Town Panchayat,
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P.T.ASHA, J.

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