



W.P(MD)No.12471 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.12471 of 2024

A.Douglus Franklin

.. Petitioner

Vs

1.The Superintending Engineer,
Public Works Department,
Water Resources Department,
Thamirabarani Circle,
Tirunelveli - 627 002.

2.The Executive Engineer,
Water Resources Department,
Kadayar Basin Irrigation Division,
P.W.D. Road,
Nagercoil-629 001.

3.Kingsly
Assistant Executive Engineer,
Pazhyar Sub Division,
Water Resources Department,
P.W.D. Road,
Nagercoil - 629 001.

4.Valson Bose
Assistant Engineer,
Water Resource Department,
Irrigation Section,
Mylaudy,
Kanyakumari District.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to disburse Rs.3,97,344/- to the petitioner towards the work vide कपितु ँणु.व4/2023 dated 28.06.2023.

For Petitioner : Mr.C.T.Perumal

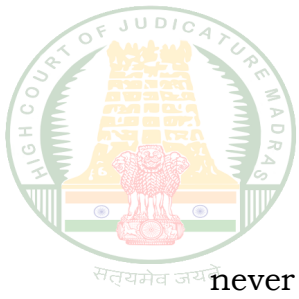
For Respondents : Mr.M.Mahaboob Athiff
Govt. Advocate for R1 and R2
No appearance for R3 & R4

ORDER

The petitioner, a Class-I contractor, was issued a work order for desilting and removal of scrub jungle in the Thengaputhoor Channel, besides carrying out repairs to a sluice.

2. According to the petitioner, the work entrusted under the work order was completed to the satisfaction of the department and the requisite bills were submitted. It is his grievance that despite completion of the work, the respondents have failed to release the amounts allegedly due and payable to him.

3.The respondents, in their counter affidavit, have disputed the very execution of the work by the petitioner. It is specifically contended that although a work order was issued, the work site was



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never handed over to the petitioner and, consequently, he neither commenced nor completed the work. It is further stated that, owing to administrative exigencies and other circumstances, the work was subsequently executed departmentally. In paragraph 7 of the counter affidavit, the respondents have categorically asserted that possession of the work site was never handed over to the petitioner.

4.Thus, the claim of the petitioner regarding completion of the work and entitlement to payment is seriously disputed by the respondents. The controversy involves adjudication of several disputed questions of fact, including whether the work site was handed over to the petitioner, whether the work was in fact executed by him, and whether any amount is due and payable under the work order. Such questions would necessarily require appreciation of oral and documentary evidence.

5.This Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, would not be justified in embarking upon an enquiry into such disputed questions of fact. The appropriate remedy for the petitioner would be to work out his rights before the competent civil court.



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6. Accordingly, the writ petition stands disposed of, reserving liberty to the petitioner to approach the jurisdictional civil court and seek appropriate relief in accordance with law. It is further open to the petitioner to seek refund of the Earnest Money Deposit (EMD), if any deposited by him and not already refunded, before the competent authority.

7. There shall be no order as to costs.

11.06.2026

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

1. The Superintending Engineer,
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Water Resources Department,
Thamirabarani Circle,
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2. The Executive Engineer,
Water Resources Department,
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HEMANT CHANDANGOUDAR, J.

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