
(2014) 09 MAD CK 0402
In the Madras High Court
Case No : W.P. (MD) No. 9529 of 2014

A. Sathaiah

APPELLANT

Vs

TWAD Board

RESPONDENT

Date of Decision : 22-09-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 09 MAD CK 0402

Hon'ble Judges : T.S. Sivagnanam, J

Bench : Single Bench

Judgement

T.S. Sivagnanam, J.—The petitioner, who was a registered contractor of the respondent Board, was awarded contract for K.B. Valasai Drinking Water Supply Scheme at K.P. Valasai Village, Ramanathapuram District, in the year 2006 and he had completed the entire work in the year 2008.

2. The grievance of the petitioner is that the final bill amount for the said work has not been settled. When the petitioner submitted a representation to the authorities, a reply was sent to the petitioner on 25.03.2011 stating that action would be initiated, after conclusion of the Vigilance and Anti-corruption enquiry and that the petitioner's registration as a contractor has been temporarily suspended pending investigation. Since there was stalemate in the matter, the petitioner has been continuously making representation to the authorities and the petitioner was not furnished with any information and therefore, the petitioner has sought for information under the provisions of the Right to Information Act. The respondent Board furnished a copy of the proceedings, dated 09.07.2013, issued by the Managing Director of the Board to the Chief Engineer of the Board, from which it is seen that the Vigilance and Anti-corruption Department have commenced an enquiry into the matter and the enquiry is in progress. It is submitted by the learned counsel for the petitioner that this communication was sent on 09.07.2013 and till date noting has happened. The petitioner's registration has been suspended. He has been

blacklisted and the money payable to him is also withheld.

3. In my considered view, the arrangement between the petitioner and the respondent Board is purely a private contract. Merely because one of the contracting parties is a Governmental organisation, that would not give right to the petitioner to invoke the Article 226 of the Constitution of India to decide the dispute arising out of a contract which is purely in the private realm. Therefore, the only remedy available to the petitioner is to work out his rights in accordance with the terms and conditions of the contract. It is not known as to whether there was any enquiry pending against the petitioner. However, if there is a delay in completion of the enquiry by the Vigilance and Anti-corruption, the petitioner can send a representation to the respondents to expedite the same.

4. In the light of the above, the prayer sought for in this writ petition cannot be granted. Hence, the writ petition is dismissed. However, if the petitioner seeks for expediting the matter with the respondents, it is open to the petitioner to submit a representation to the respondents, which shall be dealt with in accordance with law. No costs.