

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD

DATED THIS THE 30TH DAY OF AUGUST 2011

BEFORE

THE HON'BLE MR.JUSTICE B.S.PATIL

W.P.No.69385/2010 (GM-RES)

BETWEEN:

Dr O.G. Naidu,
S/o Rangayya,
Age 65 years, Occ: Class-II Contractor,
R/o Annur Gouramma Camp,
Gangavathi, Dist: Koppal. ..PETITIONER

(By Sri Mahabaleshwar Hasinal, MGM Associates,Adv.)

AND:

1. The Executive Engineer,
Minor Irrigation Division,
KUSHTAGI,
Dist: Koppal.
2. Assistant Executive Engineer,
Minor Irrigation Sub-Division,
Koppal, Dist: Koppal.
..RESPONDENTS

(By Sri.K. B. Adhyapak, AGA.)

This writ petition is filed under Articles 226 & 227 of the Constitution of India praying to direct the respondents 1 and 2 to pay the sum of Rs.29,436/- along with interest of a Nationalised Bank from 1997 to till the date of payment to the petitioner and to hand-over the National Savings Certificate worth Rs.6000/- held by them, and etc.

This writ petition is coming on for preliminary hearing, this day the Court made the following:-

ORDER

1. In this writ petition, the petitioner is seeking a direction to respondents 1 and 2 to pay a sum of Rs.29,436/- along with interest till the date of payment and also hand-over National Savings Certificate worth Rs.6000/- deposited with the respondent.

2. The case of the petitioner is that he being a Class-II Contractor, was entrusted with some work pertaining to the flood relief in Mehaboob Nagar in Gangavathi city during the year 1997. Although the petitioner had completed the work and the 1st respondent issued work done certificate, the F.S.D. (further security deposit) amount in a sum of Rs.29,436/- and also the National Savings Certificate worth Rs.6000/- belonging to the petitioner was not returned. The petitioner has contended that despite his repeated demands made and notice issued to the respondents, the amount was not paid. Therefore, the petitioner was constrained to approach this Court.

3. Having regard to the grievance made by the petitioner, learned AGA was directed to secure instructions



from the concerned officer. In fact, as the respondent-officer did not respond to furnish necessary instructions, a direction was issued to the concerned Officer to be present before this Court. The 1st respondent Executive Engineer, Minor Irrigation Division, Kushtagi, District Koppal, is present before Court. On instructions from him, the learned AGA submits that action will be taken to settle the dues payable to the petitioner within a period 3 months from today.

4. In the light of this submission, this writ petition is disposed of directing respondents 1 and 2 to settle the dues payable to the petitioner within a period of one month from today.

Sd/-
JUDGE

SUB