

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2015

Coram

The Hon'ble Mr. Justice **M.M.SUNDRESH**

W.P.No.28459 of 2015

and

M.P.No.1 of 2015

S.Veeramani

... Petitioner

vs.

1.G.Jagannathan

2.The Authorised Officer,
South Indian Bank,
Regional Office,
Niagara Apartments,
No.1, Sterling Road,
Nungambakkam, Chennai - 34.

3.J.Murali

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent not to interfere with the peaceful possession of the petitioner at Plot No.22, Door No.11, 1st Street, New Colony, Pallikaranai Village, Tambaram Taluk, Kancheepuram District, measuring an extent of 1980 sq.ft. unless a sum of Rs.23,00,000/- (Rupees Twenty Three Lakhs only) till the payment is settled for the work done by the petitioner as a builder of the first respondent.

For Petitioner .. Mr.Gnanasekar
for M/s.D.Saradhi

ORDER

A construction agreement has been entered into between the petitioner and the first respondent as early as 08.11.2012. The petitioner is the builder and the first respondent is the owner. The communication filed in the typed set of papers would reveal that the petitioner has made a claim for certain amount as per the construction agreement. Now the present writ petition has been filed by the petitioner alleging that the respondents are trying to remove him, which cannot be done unless the amount of Rs.23 lakhs due to the petitioner is settled for the work done by him, being the builder of the first respondent.

2.It is not known as to how such a relief can be claimed against the second respondent. Admittedly, the agreement is between the petitioner and the first respondent. The communications are also between them. It is the case of the petitioner that the first respondent is liable to pay certain amount. Such a private dispute cannot be adjudicated by this Court by merely adding the second respondent,

who does not have a specific role in that. Hence this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed, however, giving liberty to the petitioner to work out his remedy under the common law. No costs. Consequently, connected miscellaneous petition is closed.

10.09.2015

Index:Yes/No
mmi

To

The Authorised Officer,
South Indian Bank,
Regional Office,
Niagara Apartments,
No.1, Sterling Road,
Nungambakkam, Chennai - 34.

M.M.SUNDRESH, J.

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