

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.34078 of 2015

ORDER :

The petitioners have filed the present Writ Petition seeking payment of certain amounts allegedly due to them from 2nd respondent under an agreement dt.17.01.2008 entered into by 2nd respondent with petitioners for construction of certain houses in Survey No.176 in Madinbagh Village, Peda Gantiyada Mandal in Greater Visakhapatnam Municipal Corporation.

2. According to petitioners, a sum of Rs.3,24,27,530/- is payable to them with interest at the rate of 18 per cent per annum.

3. Counter-affidavit is filed by 2nd respondent denying this liability, and disputing the claim of petitioners.

4. Though the counsel for petitioners seeks to rely on certain documents to establish the claim of petitioners, since the adjudication of the claim of petitioners involves enquiry into disputed questions of fact which cannot be conveniently done in proceeding under Article 226 of the Constitution of India, the Writ Petition is dismissed granting liberty to petitioners to approach the competent Civil Court for recovery of the said amount. No costs.

5. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-08-2016

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