



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2017
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.6819 of 2017

Hindustan Marketing Enterprises,
represented by its Managing Partner,
A.Swaminathan,
S/o.Arunachalam,
P.No.56, Sivan Kovil 3rd Cross,
Kumaran Nagar,
Trichy - 620 017.

..Petitioner

Vs

The Senior Divisional Mechanical Engineer,
Southern Railway,
Divisional Office,
Madurai - 625 016.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent to disburse the bill amount to the tune of Rs.1,00,920/- vide invoice No.950 dated 22.08.2012 by considering the petitioner's representation dated 16.08.2016.

For Petitioner

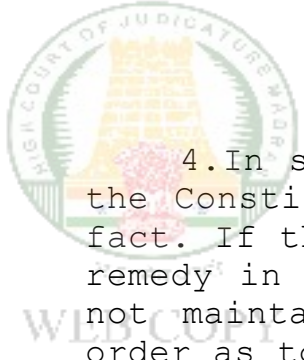
:Mr.A.Amal Antony

ORDER

The petitioner has approached this Court seeking a direction to the Respondent to disburse the bill amount to the tune of Rs.1,00,920/- vide invoice No.950 dated 22.08.2012 by considering the petitioner's representation dated 16.08.2016.

2.According to the petitioner, some amount is due from the respondent for the work carried out by them as contractor and the same has not been paid.

3.There is absolutely no explanation from the petitioner as to why they have filed this Writ Petition after so long time. More over, the extent of work executed by the petitioner has been disputed by the respondent in their communication dated 20.07.2016. There is dispute regarding the nature of work carried out by the petitioner and according to the respondent there was also no privity of contract between the petitioner and the respondent. It was also contended that there was no due from the respondent.



4. In such view of the matter, this Court under Article 226 of the Constitution of India cannot decide the disputed questions of fact. If the petitioner is aggrieved, they can resort to any other remedy in a manner known to law. Therefore, the Writ Petition is not maintainable and the same is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

The Senior Divisional Mechanical Engineer,
Southern Railway,
Divisional Office,
Madurai - 625 016.

+1cc to Ms. A. AMALA ANTHONY , Advocate, SR.No.52341

W.P (MD) No.6819 of 2017
17.04.2017

SDS/RSK/10.05.2017/2P/3C