

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated 20.06.2019

CORAM:
THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

Writ Petition No.11462 of 2019
and
WMP.No.11738 of 2019

T.M.Ghulam Mohamed

..Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-600003.

2.The Superintending Engineer, (M.E.DEPT),
Greater Corporation of Chennai,
Ripon Building, Chennai-600003.

3.The Executive Engineer,
Corporation of Chennai,
Motor Vehicle Department,
Ripon Building, Chennai-600003.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the sum of Rs.14,14,318/- for the period from 2012 to 2014 with the prevailing commercial rate of interest from the due date till the date of payment.

For petitioner : Mr.M.J.Jaseem Mohammed

For Respondents : Mrs.Karthikaa Ashok

सत्यमेव जयते

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2 The case of the petitioner herein is that he is a transporter, provided his vehicle for the corporation. In the course of the said business transaction, presently, a sum of Rs.14,14,318/- is due, payable by the corporation. Despite several demand and request, the said money was not paid. The petitioner has also enclosed the bills from the month of September 2012 to February 2014, which she claims as unpaid by the corporation.

3 In the counter filed by the corporation it is contended that there are several discrepancies in the bills raised by the petitioner. Regarding the endorsement made by the corporation for utilization of the petitioner's service it is now found that the staff of the corporation have fraudulently made the endorsement and therefore, disciplinary proceedings is initiated against them.

4 The learned counsel for the corporation would also submit that it is purely a civil dispute and the writ petition will not lie. However, at the same time, the respondent also admitted that a sum of Rs.56,150/- is due to the petitioner for the services done in the year 2017 and the same will be paid in due course.

5 When this Court wants to ascertain whether there is any written contract, the learned counsel for the petitioner is unable to produce any written contract. On the contrary, the counsel would say that the service of the petitioner was sought by the corporation on emergency basis from 2012.

6 Since, there is a dispute between the petitioner and respondent regarding the claim made by the petitioner particularly the respondent contends that the bills are fake and sham, the Court cannot look into the factual aspects and genuineness of the documents placed by the petitioner under writ jurisdiction. Hence, the petitioner herein has to work out his remedy as per the law. However, in respect of the admitted liability of Rs.56,150/- the respondent shall not hold the money any further. The admitted amount is to be paid within a period of one week from the date of receipt of copy of this Order.

7 With the above direction the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

sbn

To

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600003.

2.The Superintending Engineer, (M.E.DEPT),
Greater Corporation of Chennai,
Ripon Building, Chennai-600003.

3.The Executive Engineer,
Corporation of Chennai,
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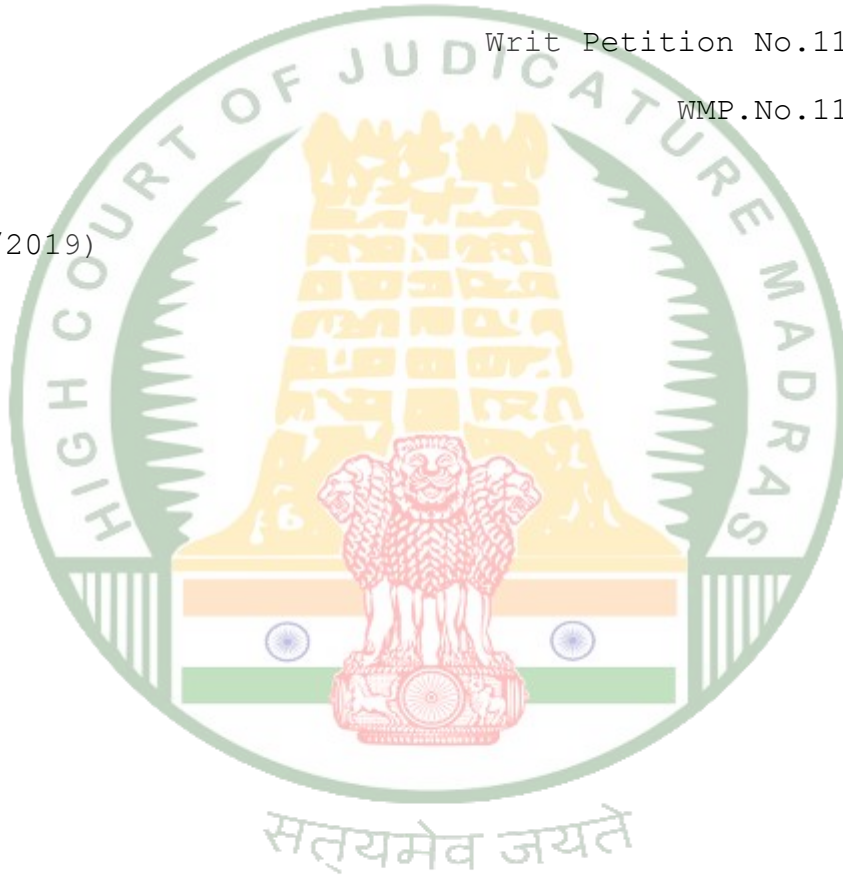
+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.50761

+2ccs to Mr.M.J.Jaseem Mohamed,Advocate, S.R.No.50419(27/06/2019)

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SV(CO)

RRS (21/06/2019)



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