

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.11.2019
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 31071 of 2019
and
W.M.P. Nos. 31184 and 31185 of 2019

M/s. P.A.D. Constructions,
Rep by its Proprietor M.Parameswaran,
No. 73-A, Kamarajapuram, 1st Street,
Ganapathi, Coimbatore - 641 006.

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Police Housing Corporation,
Kilpauk, Chennai - 600 010.
2. The Commissioner of Police,
Coimbatore District,
Coimbatore.
3. The Chief Engineer,
Tamil Nadu Police Housing Corporation,
Coimbatore Division, Coimbatore.
4. M/s. Tiruchitambalam Projects Limited,
Rep by its Director,
No.27/400, K.P.Road, Ramavarampuram,
Nagercoil - 629002.
5. M/s. Agiliety Projects Private Limited
Rep by its Director,
No.50, Bhagirathi Amman Street,
Bazulla Road, T.Nagar,
Chennai - 17.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the First to Third Respondents from settling the accounts/monies to the Fourth Respondent, for the project Police Quarters, Gandhipuram, Coimbatore until the pending bills to the tune of Rs. 40,58,565/- (Rupees Forty Lakhs Fifty Eight Thousand Five Hundred and Sixty Five only) is settled to Petitioner.

For Petitioner : Mr. S. Saravanan

For Respondents: Mr. R. Venkatesh
Government Advocate for R-1 to R-3.

O R D E R

Heard Mr. S. Saravanan, Learned Counsel appearing for the Petitioner and Mr. R. Venkatesh, Learned Government Advocate, who takes notice for the First to Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Fourth Respondent was appointed as Contractor by the First Respondent for construction of police quarters at Gandhipuram, Coimbatore and the Fifth Respondent was a Sub-Contractor of the Fourth Respondent for that work. According to the Petitioner, he had made certain supplies of equipments and building materials and labour for that construction work amounting to Rs. 40,58,565/- to the Fourth and Fifth Respondents during the period from 17.07.2014 to 31.01.2017 and except a sum of Rs.22,000/- received on 17.07.2014 as advance for the same, no other payment have been received. In that backdrop, the Petitioner has filed this Writ Petition to forbear the First to Third Respondents from settling the accounts/monies to the Fourth Respondent for the police quarters project at Gandhipuram, Coimbatore until the pending bills to the tune of Rs. 40,58,565/- is settled to Petitioner.

3. It is evident on a perusal of the contents of the affidavit filed in support of the Writ Petition that the claim sought to be agitated by the Petitioner in the Writ Petition is an inter se dispute between the Petitioner and the Fourth and Fifth Respondents, which is absolutely private in character and does not have any element of public law involved, and that the same requires recording of evidence of the contesting parties of their respective claims, which cannot be effectually adjudicated in summary proceedings under Article 226 of the Constitution of India. As such, there is no justification to entertain this Writ Petition.

4. In the result, the Writ Petition is dismissed. It is made clear that no view has been expressed by this Court on the correctness or entitlement on the merits of the claim made by the Petitioner. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/
Sub Asst. Registrar

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To

1. The Managing Director,
Tamil Nadu Police Housing Corporation,
Kilpauk, Chennai - 600 010.
2. The Commissioner of Police,
Coimbatore District,
Coimbatore.
3. The Chief Engineer,
Tamil Nadu Police Housing Corporation,
Coimbatore Division, Coimbatore.

+1 cc to Mr.S.Saravanan Advocate sr92016
+1 cc to Government Pleader sr92462

W.P. No. 31071 of 2019

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