

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated :26.11.2019
Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.33012 of 2019
and
W.M.P.No.33439 of 2019

R.Sakthivel

.. Petitioner

/versus/

1.The Commissioner,
Madurantakam Municipality,
Kancheepuram District.

2.The Secretary,
Regional Transport Authority,
Chengalpattu,
Kancheepuram District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Madurantakam Depot,
Madurantakam,
Kancheepuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the notice in the form of order issued by the first respondent herein to the petitioner in Na.Ka.No.15/2014/A1, dated 18.10.2019, quash the same and issue consequential direction to the first respondent to deduct, the payment due to the petitioner from the third respondent from the amount of Rs.8,17,946/- mentioned in the aforesaid impugned notice and further direct the third respondent to allow the petitioner henceforth to collect the payment for 65 government buses running through the third respondent bus stand in view of submission of Grade Certificate by the first respondent to the third respondent vide order of the first respondent in R.No.40042/B1/018, dated 23.09.2019.

For Petitioner :Mr.G.Mageshkumar
For Respondents :Mr.P.Srinivas,
Standing counsel for R1
Mr.S.Suresh Kumar,
Government Advocate for R2

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.G.Mageshkumar, learned counsel appearing for the petitioner and Mr.P.Srinivas, learned standing counsel, who takes notice for the first respondent and Mr.S.Suresh Kumar, learned Government Advocate, who takes notice for the 2nd respondent.

3.The petitioner being a successful bidder for the tender to collect toll fees for the buses entering into the Mathuranthagam bus stand from the year 2017 to 2020, has failed to pay the lease amount for 2 to 3 years amounting to Rs.8,17,946/-. Hence, the impugned notice is issued. Whereas the petitioner claims that since the respondents have failed to give Grade Certificate, he is not able to collect the toll fees from the Government buses. Hence, he has sustained loss and therefore, he is not liable to pay the lease amount.

4. It is purely a contractual dispute between the petitioner and the respondents. The writ petition cannot be entertained in the matter of contractual dispute. The petitioner has to work out his remedy before the appropriate forum.

5. With the above observation, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To:

1.The Commissioner,
Madurantakam Municipality,
Kancheepuram District.

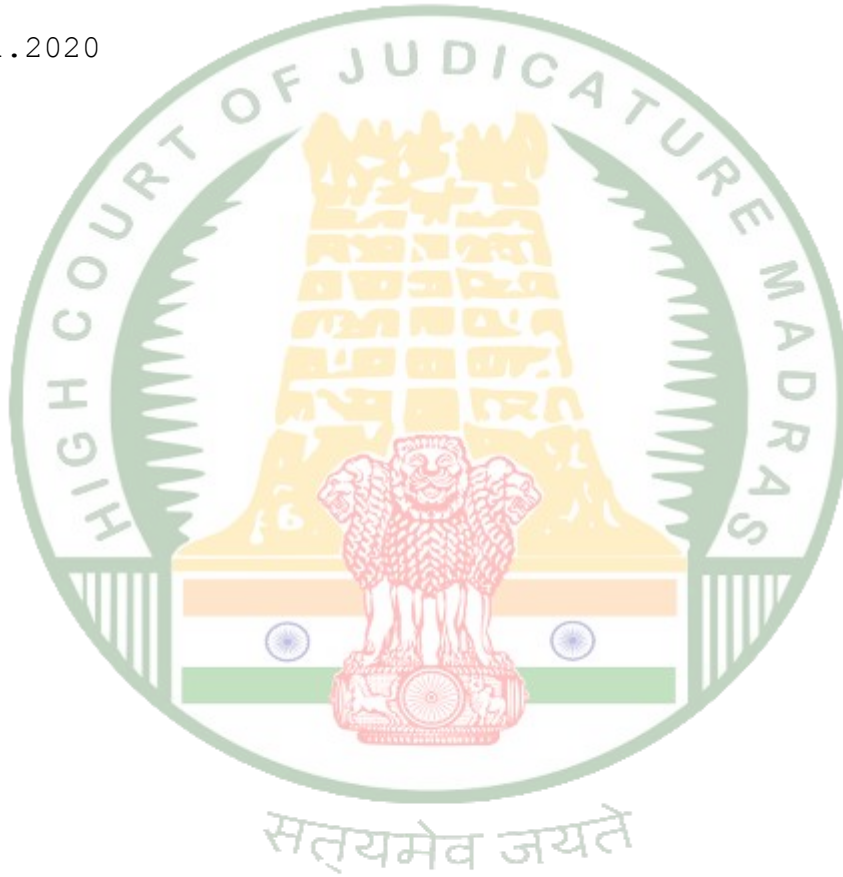
2.The Secretary,
Regional Transport Authority,
Chengalpattu,
Kancheepuram District.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
Madurantakam Depot,
Madurantakam,
Kancheepuram District.

+1cc to Mr.P.Srinivas, Advocate, SR.No.98818.
+1cc to Government Pleader, SR.No.99406.

W.P.No.33012 of 2019

AK(CO)
CSR: 10.01.2020



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