



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM

WEB COPY

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD)No.15222 of 2020

N.Rajasekaran

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Horticulture Development Agencies,
3rd floor, Agriculture Complex,
Ezhilagam, Chennai, Tamil nadu-600 005.
2. The Superintendent Engineer,
Tamil Nadu Horticulture Development Agencies,
Race Course Road,
Near to PTR Marriage Hall Road,
Out Post, Madurai-625 002.
3. The Executive Engineer,
Tamil Nadu Horticulture Development Agencies,
Paraipatti, Meenakhsinayaikanpatti,
Dindigul.
4. The Assistant Director,
Tamil Nadu Horticulture Development Agencies,
Kodaikanal.
5. The Assistant Executive Engineer,
Tamil Nadu Horticulture Development Agencies,
Kodaikanal, Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents herein to pay amount a sum of Rs.49, 72,990/- with the 18% interest till the date of the realisation i.e. on 23.09.2019 for the work done by the petitioner as per the agreement made in agreement No.28/2017/18, dated 27.10.2017.

For Petitioner

: Mr.Veera Kathiravan,
Senior Counsel
for M/S.Veera Associates
: Mr.C.Ramesh
Special Government Pleader.

For Respondents

**ORDER**

This writ petition has been filed for a Mandamus seeking for a direction to direct the respondents to pay a sum of Rs.49,72,990/- together with 18% interest till the date of realisation to the petitioner for the work done by him as per agreement dated 27.10.2017 entered between the petitioner and the respondents.

2.It is the case of the petitioner that he has completed the work as per the agreement, dated 27.10.2017 entered between the petitioner and the respondents, in respect of modernisation of Bryant Park in Kodaikanal in Dindigul District. According to him, the respondents have to pay a sum of Rs.49,72,990/- together with 18% interest. According to the petitioner, he gave representation on various dates and last such representation was given on 18.11.2019 calling upon the respondents to pay the aforesaid amount to the petitioner. According to him, the said representation has not been considered till date. In such circumstances, the petitioner has filed this writ petition.

3.This Court cannot issue any positive direction as prayed for by the petitioner in this writ petition. The only relief that can be granted by this Court is to direct the respondents to consider the petitioner's representation, dated 18.11.2019 seeking for payment of Rs.49,72,990/- together with interest at the rate of 18% per annum for the alleged non-payment of his dues as per the agreement, dated 27.10.2017 entered between the petitioner and the respondents, on merits and in accordance with law. No prejudice will be caused to the respondents, if such direction is issued by this Court.

4.Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondents and would submit that the agreement, dated 27.10.2017 contains arbitration clause and hence, the only remedy available to the petitioner is to initiate arbitration proceeding for recovery of his dues and therefore the present writ petition is not maintainable.

5.Since no positive direction is issued and the respondents are only directed to consider the representation of the petitioner, the apprehension of the learned Special Government Pleader is un-called for.

6.For the foregoing reasons, this Court directs the respondents to consider the petitioner's representation, dated 18.11.2019 requesting the respondents to pay a sum of Rs.49,72,990/- together with interest at the rate of 18% per annum for the alleged non-payment of dues to the petitioner as per the agreement dated 27.10.2017 and pass final orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Managing Director,
Tamil Nadu Horticulture Development Agencies,
3rd floor, Agriculture Complex,
Ezhilagam, Chennai, Tamil nadu-600 005.
2. The Superintendent Engineer,
Tamil Nadu Horticulture Development Agencies,
Race Course Road,
Near to PTR Marriage Hall Road,
Out Post, Madurai-625 002.
3. The Executive Engineer,
Tamil Nadu Horticulture Development Agencies,
Paraipatti, Meenakhsinayaikanpatti,
Dindigul.
4. The Assistant Director,
Tamil Nadu Horticulture Development Agencies,
Kodaikanal.
5. The Assistant Executive Engineer,
Tamil Nadu Horticulture Development Agencies,
Kodaikanal, Dindigul District.

+1 CC to the SPL GP SR-21143.

+1 CC to M/s.VEERA ASSOCIATES, Advocate SR-21050.

W.P. (MD) No.15222 of 2020
03.11.2020

ARK(CO)

CS(11.11.2020) 3P 8C

<https://hcservices.ecourts.gov.in/hcservices/>