



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.01.2020**
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)NO.27183 OF 2019

and

W.M.P(MD)Nos.23494 and 23495 of 2019

R.Kumar : Petitioner
.vs.

1.The Commissioner of Municipal Administration,
Office of the Commissioner of Municipal Administration,
Ezhilagam Annexe,
Chepauk,
Chennai - 600 005.

2.The Nagercoil Municipality,
represented by its Commissioner,
Nagercoil,
Kanyakumari District. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to disburse the payment to the Petitioner with regard to the works pertaining to the valuation No.44/16-17 E2 Work Order, dated 24.08.2016 and valuation No.34/2017-2018/REE Work Order, dated 3.5.2018 with 12% interest per annum within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondent-1	: Mr.J.Padmavathi Devi Special Govt.Pleader
For Respondent-2	: Mr.Aathimoolapandian

O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the second respondent to disburse the payment to the Petitioner with regard to the works pertaining to the valuation No.44/16-17 E2 Work Order, dated 24.08.2016 and valuation No.34/2017-2-18/REE Work Order, dated 3.5.2018 with 12% interest per annum.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



3.An identical matter was disposed of by this Court stating that this Court cannot go into the disputed questions of fact arising out of a contract and hence, it is sufficient to dispose of the representation submitted by the Petitioner on 26.09.2019. Submitting the said order, the learned counsel for the Petitioner submitted that it would suffice if the representation of the Petitioner dated 18.09.2010 is disposed of by the authorities concerned within the time frame fixed by this Court.

4.In view of the above said submission,without going into the merits of the matter, this Court directs the second respondent to consider the representation of the Petitioner, dated 18.09.2019 and dispose of the same on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1.The Commissioner of Municipal Administration,
Office of the Commissioner of Municipal Administration,
Ezhilagam Annexe,
Chepauk,
Chennai - 600 005.

2. The Commissioner
The Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-3578[F] dated 29/01/2020)

+1 CC to SPL.GP (SR-3715[F] dated 29/01/2020)

ORDER MADE IN
W.P(MD)NO.27183 OF 2019 and
W.M.P(MD)Nos.23494 and
23495 of 2019
28.01.2020