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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25692 of 2010

M.Balakrishnan

... Petitioner

Vs.

1. The Commissioner,
Department of Civil Supplies
and Consumer Protection,
Chepauk, Chennai 600 005.
2. The Assistant Commissioner,
Civil Supplies and Consumer
Protection Department,
Thiruvottiyur Region,
Chennai 600 019.
3. The Asst.Commissioner,
Civil Supply and Consumer
Protection Department,
Royapuram Region,
Chennai 600 013.

... Respondents

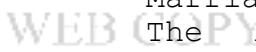
Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the amount of Rs.1,08,607/- (Rupees one lakh eight thousand and six hundred and seven only) with interest at the rate of 12% per annum from the date of due immediately to the petitioner.

For Petitioner : M/s.D.Govinda Reddy

For Respondents : Mr.C.Jayaprakash
Government Advocate

O R D E R

The relief sought for in the present writ petition is to direct the respondents to pay the amount of Rs.1,08,607/- with



2. The petitioner is the proprietor of Meenakshi Maaligai Marriage Hall at No.445/140, T.H.Road, Tondaiyarpur, Chennai. The Assistant Commissioner, Civil Supplies and Consumer Protection Department, Thiruvottiur Region, approached the petitioner and requested to allot the marriage hall for the period from 01.09.2009 to 30.09.2009 in order to accommodate their Department Employees for their engagement and convenient of their stay of their engagement in verification of Ration Cards.

4. The respondents made a request to accommodate the employees beyond 31.10.2009, but the petitioner had expressed his inability to accommodate the employees. In view of the booking of marriage hall, the rental charges and electricity charges as demanded by the petitioner was Rs.2,70,708/-, out of the said amount of Rs.2,70,708/- the respondents have paid a sum of Rs.2,62,400/- as per the counter affidavit, the balance to be paid is Rs.8,308/-. The accommodation charges for the period from 02.11.2009 to 19.11.2009, being Rs.34,463/- was paid to Chennai Corporation by the 3rd respondent on 12.04.2010. Thus, the petitioner is entitled to get a sum of Rs.8,308/- only from the 2nd respondent.

5. This Court is of the considered opinion that the nature of the dispute between the parties would reveal that it is a contractual obligation between the parties. There was an agreement between the parties in respect of hiring of the marriage hall belongs to the petitioner. The terms and conditions were agreed between the parties. Such contractual disputes cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. The terms and



conditions of contract are to be adjudicated with reference to the documents and evidences including oral evidences, if required.

6. Contrarily, the High Court cannot form an opinion in respect of such disputes, which involves contractual obligations between the parties. The petitioner states that the respondents are bound to pay a sum of Rs.1,08,607/- per contra, the 2nd respondent states that they are bound to pay a sum of Rs.8,308/-. This being the counter statements made nearly based on the affidavit, issues cannot be resolved. Thus, the petitioner has to approach the competent Court of law for the purpose of redressal of the grievances. However, in respect of the admitted due, the respondents are bound to settle the same as per the counter affidavit.

7. The 2nd respondent said that a sum of Rs.8,308/- is due to the petitioner, the said amount is directed to be settled in favour of the petitioner by the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order. If the petitioner is of an opinion that, further due is also to be paid, it is for the petitioner to approach the competent Court of law for adjudication of issues based on the documents and evidences by following the procedures.

8. With these directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Jeni/Vs

To

1. The Commissioner,
Department of Civil Supplies
and Consumer Protection,
Chepauk, Chennai 600 005.
2. The Assistant Commissioner,
Civil Supplies and Consumer
Protection Department,
Thiruvottiyur Region,
Chennai 600 019.



3. The Asst.Commissioner,
Civil Supply and Consumer
Protection Department,
Royapuram Region,
Chennai 600 013.

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+1cc to Mr.D.Govinda Reddy, Advocate, S.R.No.59117

+1cc to the Government Pleader, S.R.No.58872

W.P.Nos.25692 of 2010

PVS (CO)
SU(30/11/2021)