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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 40942 of 2016
and

W.M.P.Nos.34909 & 34910 of 2016

M/s.S.J.M.Construction & Contractors,
Represented by its Managing Partner,
S.Jothi,
No.13, Muthusamy Nagar,
S.N.Chavadi, Cuddalore,
Cuddalore District.

...Petitioner

Vs

1.The Superintending Engineer, Highways,
Construction & Maintenance Circle,
Highways Department,
Ellis Chatram Road,
Villupuram- 605 401.

2.The Divisional Engineer, Highways,
Construction & Maintenance,
Highways Department,
Cuddalore Division,
Cuddalore.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the second respondent to follow the terms of the G.O.Ms.No.101 Public Works [G2] Department dated 10.06.2009, taking the base rate from the date of signing works agreement to end of agreement period and consequently direct the second respondent to settle the entire amount due to the petitioner.



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For Petitioner : Mr.R.Jayaprakash
For Respondent : Mr.K.M.D.Muhilan
Government Advocate
[For R1 and R2]]

O R D E R

The relief sought for in the present Writ Petition is to direct the second respondent to follow the terms of the G.O.Ms.No.101 Public Works [G2] Department dated 10.06.2009, taking the base rate from the date of signing works agreement to end of agreement period and consequently direct the second respondent to settle the entire amount due to the petitioner.

2. The petitioner is M/s.S.J.M.Construction & Contractors. The issue raised in this Writ petition are relating to the contractual obligation between the parties. The respondents have culled out certain issues aroused from and out of the terms and conditions of the contract. Accordingly, they have clearly stated that such disputed issues are to be resolved by way of an elaborate adjudication.

3. This Court is of the considered opinion that the petitioner is a Contractor and was performing the contractual obligations based on the terms and conditions of the agreement. Thus, the issues raised from and out of such contractual obligations are to be resolved before the competent Court of law and this Court under Article 226 of the Constitution of India, cannot conduct an elaborate adjudication for the purpose of resolving the issues.

4. Thus, the petitioner is at liberty to approach the competent Court of law for redressal their grievances in the manner known to law. Accordingly, the Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

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Highways Department,
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Villupuram- 605 401.

2.The Divisional Engineer, Highways,
Construction & Maintenance,
Highways Department,
Cuddalore Division,
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+1cc to the Government Pleader SR.No.49442

W.P.No.40942 of 2016

SR-II(CO)
RVM(20/10/2021)