



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12329 of 2014

and

M.P.No.1 of 2014

P.Rayin

... Petitioner

Vs

The Project Director (G),
District Rural Development Agency,
The Nilgiris.

...Respondent

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the order of the respondent passed in his proceedings Na.Ka.No.A2/1272/2004 dated 21.3.2013 quash the said order dated 21.3.2013 and consequently direct the respondent make the necessary payment of the dues to the petitioner for the construction and laying of road works of (1) Bangalapadigai-Vakkanamara road work and (2) Ponnani Ammankavu Road work.

For Petitioner :Mr.T.Sellapandian
For Mr.B.Srinivasan

For Respondent :No Appearance

O R D E R

The relief sought for in the present writ petition is to quash the order dated 21.03.2013 and to direct the respondent to make the necessary payment of the dues to the petitioner for the construction and laying of road works of (1) Bangalapadigai-Vakkanamara road work and (2) Ponnani Ammankavu Road work.

2. It is needless to state that the contractual obligations between the parties with reference to the agreement cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Such adjudication requires scrutinisation of documents in original and evidences and if necessary, oral



evidences. Thus, the dispute arising out of the terms and conditions of the contract require Civil natured enquiry.

3. However, the learned counsel for the petitioner pointed out that the respondent in their letter dated 21.03.2013 has admitted the amount due to the petitioner. Thus, the admitted amount may be settled and to that extent, a direction is to be issued.

4. Perusal of the letter issued by the Project Director to the counsel for the petitioner dated 21.03.2013 states that on completion of 5 years of period, a sum of Rs.2,09,086/- (Rupees Two Lakhs Nine Thousand and Eighty Six only) is to be paid to the person concerned. Relying on the said communication issued to the counsel for the petitioner, it is contended that the said amount is to be settled in favour of the petitioner. In view of the said letter dated 21.03.2013, the respondent is directed to consider the admission made and accordingly, settle the dues as expeditiously as possible by following the procedures as contemplated.

5. With this direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nti/kak

To

The project Director (G),
District Rural Development Agency,
The Nilgiris.

+1cc to Mr.B.Srinivasan, Advocate, S.R.No.63159

W.P.No.12329 of 2014

PL(CO)
PM/15/12/2021