



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No.22028 of 2021
and WMP Nos.23250 and 23451 of 2021

E.Nirmala

.. Petitioner

Vs

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board
MRC Nagar.
Chennai 600 028.
2. The Chief Engineer,
Chennai Metropolitan Water Supply and Sewerage Board
MRC Nagar, Chennai 600 028.
3. The Purchase Manager,
Chennai Metropolitan Water Supply and Sewerage Board
No.1 Pumping Station Road
Chintadripet
Chennai.
4. The Area Engineer
Metro Water Area Office,
Manali

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in Lr.No.CMWSSB/PUR/Water Lorry/6KL/W.O.No.86/2021-24/Spl/2021 dated 09.04.2021 and quash the same and direct the respondents to permit the petitioner to operate the vehicle bearing Registration No.TN 14 U 6006 as per the work order No.6 KL/086/2021-24 dated 26.02.2021 issued by the 3rd respondent by reallocating to any other area.

For Petitioner : Mr.K.Sudhan
For Respondents : Mr.Goutham S.Ramar
Standing counsel



ORDER

This writ petition has been filed challenging the cancellation of the work order issued in favour of the petitioner through the impugned letter issued by the third respondent dated 09.04.2021 and for a consequential direction to permit the petitioner to operate the vehicle as per the work order dated 26.02.2021.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. This Court has carefully considered the submissions made on either side and the materials available on record.

4. The parties are bound by the terms of agreement and the agreement itself provides for arbitration as a dispute resolution mechanism. Under such circumstances, this Court will not exercise its jurisdiction under Article 226 of the Constitution of India, since the matter involves dispute on facts. It is now well settled that where there is an efficacious alternative remedy for an aggrieved person through the mechanism of arbitration, this Court should not ordinarily exercise its writ jurisdiction.

5. In view of the above, this Court is not inclined to entertain this writ petition. Liberty is granted to the petitioner to work out her remedy in accordance with law. Except granting this liberty, no further orders can be passed in this writ petition.

6. This writ petition is accordingly dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

7. The Registry is directed to return back the original impugned letter issued by the third respondent to the learned counsel for the petitioner in order to enable the petitioner to work out her remedy before the appropriate forum.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

RR



To

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board
MRC Nagar. Chennai 600 028.

2. The Chief Engineer,
Chennai Metropolitan Water Supply and Sewerage Board
MRC Nagar,
Chennai 600 028.

3. The Purchase Manager,
Chennai Metropolitan Water Supply and Sewerage Board
No.1 Pumping Station Road
Chintadripet
Chennai.

4. The Area Engineer
Metro Water Area Office,
Manali

Copy to:

The Section Officer,
ER Section,
High Court,
Madras.

+1CC to Mr.K.Sudhan, Advocate, Sr.No.54519

W.P.No.22028 of 2021

PCH (CO)
K.RK. (10.11.2021)