



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 05.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.11002 of 2021
(Through Video Conferencing)

N.Rajasekaran

... Petitioner

Vs.

1.The Managing Director
Tamilnadu Horticulture Development Agencies,
3rd Floor, Agriculture Complex,
Ezhilagam, Chennai
Tamilnadu.

2.The Superintendent Engineer,
Tamilnadu Horticulture Development Agencies,
Race course Road,
Near to PTR Marriage Hall Road,
Out Post, Madurai 625 002.

3.The Executive Engineer
Tamilnadu Horticulture Development Agencies,
Paraipatti
Meenakshinayaikanpatti
Dindigul

4.The Assistant Director,
Tamilnadu Horticulture Development Agencies,
Kodaikanal

5.The Assistant Executive Engineer,
Tamilnadu Horticulture Development Agencies,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 1st respondent in LR No.FPM2/6010/2018 dated 13.01.2021 quash the same and consequently direct the respondent to pay the amount of Rs.49,72,990/- with 18% interest till date of the realization (ie.,) on 23.09.2019 for the work done by the petitioner as per the agreement made in Agreement No.28/2017/18 dated 27.10.2017.



For Petitioner : Mr.S.Ramsundarvijayraj
For Respondents : Mr.M.Lingadurai
Government Advocate

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ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent dated 13.01.2021 and for a consequential direction to the first respondent to pay the entire amount due and payable to the petitioner with interest.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. It is seen from records that the petitioner was given some contract for the modernisation of Bryant Park in Kodaikanal in Dindigul District, for the construction of guest house and upgradation of children park and pre-fabricate mobile toilet. According to the petitioner, he has successfully completed the work and the first respondent was due and payable a sum of Rs.49,72,990/-. Since the same was not paid, a representation was made to the first respondent. The first respondent through the impugned proceedings dated 13.01.2021 rejected the claim made by the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the petitioner has to necessarily work out his remedy only by way of filing a suit for recovery of money. There is a clear disputed question of facts and the same can only be decided by adducing evidence. This Court exercising its jurisdiction under Article 226 of the Constitution of India cannot undertake this exercise. Therefore, except granting liberty to the petitioner to work out his remedy before the competent civil Court or through arbitration proceedings, if it is so provided under the contract, no further orders can be passed in this writ petition.

5. This writ petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

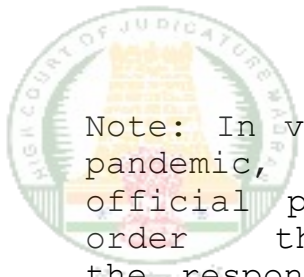
Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- 5.The Assistant Executive Engineer,
Tamilnadu Horticulture Development Agencies,
Kodaikanal,
Dindigul District.

+1 CC to M/s.S.RAMSUNDAR VIJAYRAJ, Advocate (SR-21256[F]
dated 05/07/2021)

+1 CC to M/s.SPL GP (SR-21507[F] dated 07/07/2021)

W.P. (MD)No.11002 of 2021
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