



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.13345 of 2021

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M.Vetrivelan

... Petitioner

Vs.

1. The Commissioner of Municipal Administration,
11th Floor Urban Administration Building,
Opp. CIBA Building Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

2. The Commissioner,
Nagercoil Corporation,
Nagercoil, Kanyakumari District. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to disburse the final amount of Rs.49,50,000/- with interest for the following works (1) Laying of Thar road work at Ward No.38, Valampurivilai for Rs.25,00,000/- (2) Laying of Thar road work at Ward No.27 at Joshwa street and Distilary Road for Rs.24,50,000/- based on the petitioner's representation dated 15.06.2021 to the second respondent.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.P.Subbaraj,
Counsel for State for R1
Mr.P.Athimoolapandian
Standing Counsel for R2

O R D E R

The petitioner seeks payment of a sum of Rs.49.50 lakhs in respect of road works executed for the Nagercoil Corporation.

2. The petitioner states that the Nagercoil Corporation awarded road work to the petitioner-contractor. In spite of completing such works in accordance with the relevant work orders, a sum of about Rs.49.50 lakhs remains due and outstanding to the petitioner. The writ petition is filed in these facts and circumstances.

3. Mr.P.Athimoolapandian, learned Standing Counsel for the Nagercoil Corporation, accepts notice on behalf of the second

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respondent and states that the case pertains to a construction contract. Therefore, the petition is liable to be rejected.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of first respondent.

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5. Ordinarily, in exercise of jurisdiction under Article 226 of the Constitution, the court does not interfere in matters relating to the contractual rights and remedies of the parties. Instead, parties are usually relegated to the contractual remedy, if any, or directed to approach the jurisdictional civil court. However, in case the liability is admitted by the respondents, the matter could be disposed of without resorting to the dispute resolution methods referred to above.

6. Subject to the above observations and without going into the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 15.06.2021 and dispose of the same by a reasoned order within a period of three months from the date of receipt of a copy of this order. Such reasoned order shall be passed after providing a reasonable opportunity to the petitioner.

7. Accordingly, W.P(MD).No.13345 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

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11th Floor Urban Administration Building,
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MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

2. The Commissioner,
Nagercoil Corporation,
Nagercoil, Kanyakumari District.



+1 CC to M/s.GP (SR-25188[F] dated 04/08/2021)

+1 CC to M/s.F.DEEPAAK, Advocate (SR-25143[F] dated 04/08/2021)

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CM(CO)

LR (10.08.2021) 3P 5C