



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2021

CORAM

THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) No.13351 of 2021

K.Manikandan

... 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.63,00,000/- with interest for the following works (1) Installation of paver block at Ward No.37, Vadalivilai Vayal Street for Rs.11,00,000/- (2) Installation of paver block at Ward No.44, Isac Street for Rs.24,80,000/- (3) Laying of Thar road work at Ward No.14, Kottar Kambalam Road for festival of Saveriyar Temple for Rs.2,40,000/- (4) Installation of paver block at Ward No.6, Kailash Garden Cross Streets for Rs.24,30,000/- (5) Installation of paver block at Ward No.25, Green Street for Rs.22,00,000/- based on my representation dated 30.06.2021 to the 2nd respondent.

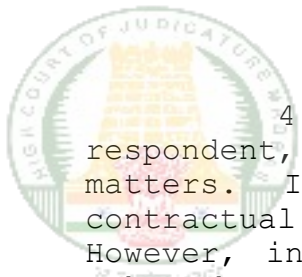
For Petitioner	:	Mr.F.Deepak
For Respondents No.1	:	Mr.R.Baskaran
		Counsel for State
For Respondent No.2	:	Mr.P.Athimoolapandian

O R D E R

The petitioner seeks payment of alleged dues from the second respondent herein.

2. The petitioner is a contractor, who claims to have executed road work for the second respondent. The petitioner alleges that there is a total outstanding of Rs.63,00,000/- (Rupees Sixty Three Lakhs only) with interest thereon in respect of five items of work as set out in the prayer to the writ petition.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first respondent and Mr.P.Athimoolapandian, learned counsel, accepts notice on behalf of the second respondent and submits that the matter pertains to a construction contract and that the present petition is not maintainable since the case involves disputed questions of fact.



4. As correctly contended by learned counsel for the second respondent, ordinarily, this Court would not interfere in contractual matters. Instead, the parties would be directed to take recourse to the contractual remedy, if any, or approach the jurisdictional civil court. However, in case the employer concerned admits liability and agrees to make the payment as demanded, the matter could be resolved without resorting to the dispute resolution methods referred to above.

5. 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 30.06.2021 and dispose of the same within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity of hearing to the petitioner herein.

6. W.P.(MD).No.13351 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)

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.

To

1. The Commissioner of Municipal Administration,
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2. The Commissioner,
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Kanyakumari District.

+1CC to M/s.F.Deepak, Advocate (SR25226)

+1CC to The Special Government Pleader (SR25365)

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