



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HONOURABLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13317 of 2021

V. Joseph Arulraj

... 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 2nd respondent to disburse the final amount of Rs.18,50,000/- with interest for the following words (1) Laying of Thar road work at Ward No.46, Vellalar Colony, Nedu Street (2) Installation of Paver block at Ward No.38, backside street of Irulappapuram Park (3) Laying the Thar Road work at Ward No.52, Louis Kitchili Garden, based on the petitioner representation dated 30.06.2021 to the 2nd respondent, and pass orders within the time stipulated.

For Petitioner	: Mr.F.Deepak
For Respondents	: Mr.R.Baskaran
	Counsel for State for R1
	: Mr.P.Athimoolapandian for R2

ORDER

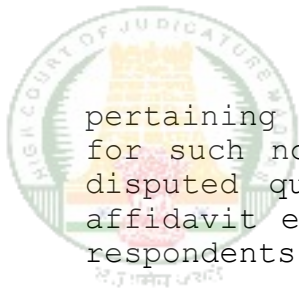
The petitioner seeks a mandamus for the disbursal of payments in respect of road work projects.

2. The petitioner states that he is a contractor who was awarded certain projects by the second respondent. In spite of completing such projects in accordance with the terms of the relevant work orders, it is stated that the second respondent failed to disburse a sum of Rs.18,50,000/- to the petitioner.

3. Mr.P.Athimoolapandian, learned Standing Counsel, accepts notice on behalf of the second respondent. He submits that a mandamus would not ordinarily be issued in respect of a monetary claim pertaining to a commercial contract.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice for the first respondent.

5. As correctly contended by the learned counsel for the second respondent, the Writ Court would ordinarily not interfere in matters



pertaining to construction contracts or any other contracts. The reason for such non-interference is that such matters usually involve strongly disputed questions of fact which cannot be appropriately addressed on affidavit evidence. It is a different matter, however, if the contesting respondents were to admit liability in respect of such claim.

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 30.06.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order. It is made clear that if the petitioner is aggrieved by the decision of the second respondent, the petitioner may avail of contractual or civil remedies, in accordance with law.

7. W.P.(MD).No.13317 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

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.

+1CC to Special Government Pleader (SR25177)
+1CC to Mr.F.Deepak, Advocate (SR25140)

W.P. (MD) .No.13317 of 2021
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NS

RS (10.08.2021) 2P-5C