



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15806 of 2021

M.Maria John

... 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

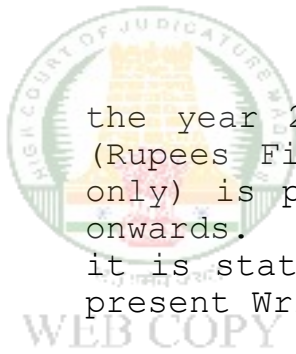
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to disburse the final amount of Rs.5,13,754/- with interest for the work of rainwater drainage stream and Thar road at Vadaseri Kanagamoolam Market, Nagercoil, based on petitioner's representation dated 12.08.2021 to the second respondent, and pass orders within the time stipulated by this Hon'ble Court.

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

ORDER

The petitioner seeks a direction for the disbursement of a sum of 5,13,754/- (Rupees Five Lakhs Thirteen Thousand Seven Hundred and Fifty Four only) with interest thereon in relation to the work of rain water drainage stream and Thar road at Vadaseri Kanagamoolam Market, Nagercoil.

2. The petitioner states that he was awarded a contract for the above mentioned work by the Nagercoil Corporation. Such work was completed in accordance with the terms of the contract in



the year 2015. Therefore, it is stated that a sum of 5,13,754/- (Rupees Five Lakhs Thirteen Thousand Seven Hundred and Fifty Four only) is payable to the petitioner with interest thereon from 2015 onwards. In spite of making repeated requests for the said payment, it is stated that the Corporation has failed to pay the amount. The present Writ Petition is filed in the said facts and circumstances.

3. Mr.P.Athimoolapandian, learned standing Counsel appears on behalf of the Nagercoil Corporation. He submits that the dispute arises out of a contract. Therefore, discretionary jurisdiction should not be exercised in favour of the petitioner.

4. The admitted position is that the present matter arises out of the award of a contract to the petitioner by the Nagercoil Corporation. The petitioner asserts that the work was duly completed in terms of the contract. In spite of completing the work in accordance with the terms of the contract, it is stated that there is a balance of 5,13,754/- (Rupees Five Lakhs Thirteen Thousand Seven Hundred and Fifty Four only) with interest thereon, which is due and payable to the petitioner. It is possible that the Nagercoil Corporation may accept the claim of the petitioner for the amount mentioned above. If so, the Nagercoil Corporation should pay such amount. On the other hand, it is possible that the claim may be disputed by the Nagercoil Corporation on the ground that the work was not duly completed or that there were defects in relation thereto. In case the claim is disputed, the petitioner would have to avail of remedies before the jurisdictional civil court or by approaching an arbitral tribunal, if so provided in the relevant contract.

5. Subject to the above observations, the second respondent is directed to consider the petitioner's claim for payment of the sum of Rs.5,13,754/- (Rupees Five Lakhs Thirteen Thousand Seven Hundred and Fifty Four only) with interest thereon and dispose of such claim by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, W.P.(MD).No.15806 of 2021 is disposed of on these terms without any order as to costs.

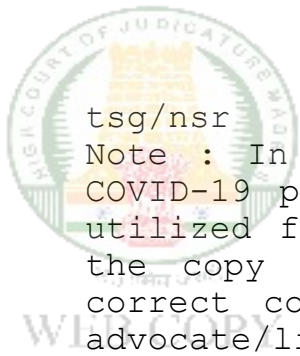
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



tsg/nsr

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,
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.

+1 CC to M/s.F.DEEPAK, Advocate (SR-29432[F] dated 17/09/2021)

+1 CC to M/s.SPL. GP (SR-29451[F] dated 17/09/2021)

W.P (MD) No.15806 of 2021
16.09.2021

PS (CO)

KB (27.09.2021) 3P 5C