



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.18675 of 2021

WEB COPY

Karunakaran

... Petitioner

Vs.

1. The Director,
Commissionerate of Municipal Administration,
Building No.75, 11th floor, Santhome High Road,
M.R.C. Nagar, Raja Annamalaipuram,
Chennai - 600 028.

2. The Commissioner,
Madurai Corporation,
Madurai - 625 002.

... 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 pending amount for a sum of Rs.23.70 lakhs along with interest for the work order in Ref.No.Ma.Po.4/Est14th CFC-P-26/19-20 to laying roads in Madurai Corporation Zone-4, the Ward No.87 & 90 in TPK Service Road, Kaja Street, M.G.R.Nagar, Cross Street, Nethaji 1st, 5th and 9th Street, Nehru Street, M.G.R.East Street, Alagiri Street and Valluvar Street on the basis of petitioner's representation dated 07.09.2021 within time frame fixed by this Court.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.P.Subbaraj,
Counsel for the State for R1.
Mr.B.Saravanan for R2.

O R D E R

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.23.70 lakhs to the petitioner.



3. Mr.B.Saravanan, 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.P.Subbaraj, 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 07.09.2021 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 four 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.18675 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

1. The Director,
Commissionerate of Municipal Administration,
Building No.75, 11th floor, Santhome High Road,
M.R.C. Nagar, Raja Annamalaipuram,
Chennai - 600 028.



2. The Commissioner,
Madurai Corporation,
Madurai - 625 002.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-32305[F] dated 22/10/2021)

+1 CC to M/s.K.K.KANNAN, Advocate (SR-32331[F] dated 22/10/2021)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-32424[F] dated 25/10/2021)

+1 CC to M/s.SPL.GP (SR-32368[F] dated 25/10/2021)

W.P. (MD) No.18675 of 2021

22.10.2021

MGJ/UV(09.11.2021) 3P 7C