



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.19139 of 2021

WEB COPY

Murugadhas

... Petitioner

Vs.

1.The Nagercoil Municipality,
Rep. by its Commissioner,
Municipal Office,
166, Balamore Road,
Kanyakumari Road,
Kanyakumari District.

2.The Regional Director of Municipal Administration,
Ram Popular Salai,
Palayamkottai, Tirunelveli-2,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.59,00,184/- (Rupees Fifty Nine Lakhs one Hundred and Eighty Four only) with interest at the rate of 12% per annum from the date of this petition towards completion of construction works by considering the petitioner's representation dated 14.07.2021 within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.P.Athimoola Pandian (for R1) Mr.P.Subbaraj, Counsel for the State (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 first respondent. In spite of completing such projects in accordance with the terms of the relevant work orders, it is stated that the first respondent failed to disburse a sum of Rs.59,00,184/- to the petitioner.

3. Mr.P.Athimoolapandian, learned Standing Counsel, accepts notice on behalf of the first 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 second respondent.

5. As correctly contended by the learned counsel for the first 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 first respondent is directed to consider the petitioner's representation dated 14.07.2021 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 (4) 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 first respondent, the petitioner may avail of contractual or civil remedies, in accordance with law.

7. W.P.(MD).No.19139 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

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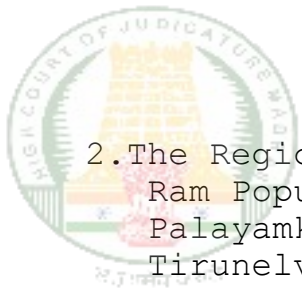
Sub Assistant Registrar(CS)

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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,
Nagercoil Municipality,
Municipal Office,
166, Balamore Road,
Kanyakumari Road,Kanyakumari District.



2.The Regional Director of Municipal Administration,
Ram Popular Salai,
Palayamkottai, Tirunelveli-2,
Tirunelveli District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-33154[F] dated
29/10/2021)

+1 CC to M/s.SPL.GP (SR-33191[F] dated 29/10/2021)

W.P. (MD) No.19139 of 2021
28.10.2021

MGJ/SKN(17.11.2021) 3P 5C