



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.4.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1199 of 2022

M/s.Smart Lights Power
Industries by its Proprietor
Mr.H.Iyyappakumar ... Appellant/Petitioner

Vs

1.The Secretary to Government
of Tamil Nadu, Revenue Department
Secretariat, Fort St.George, Chennai- 9.

2.The District Collector, Kanchipuram
District, Chairperson, Disaster
Management Authority,
Kanchipuram. ... Respondents/Respondents

Prayer : Appeal under Clause 15 of the Letters Patent against
the order dated 01.3.2022 in W.P.No.4396 of 2022.

Prayer in W.P.No.4396 of 2022:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the petitioners representation dt.31.01.2022 thereby to settle pending payments for the supply of materials and labour service rendered by the petitioner at Covid care centers at Ezhicur within Kundrathur Panchayat Union and Enathur within Walajabad Panchayat Union in Kanchipuram District.



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For Appellant : Mr.Y.Jyothish Chander
For Respondents : Mr.P.Muthukumar, State
Government Pleader

JUDGMENT

(Judgment was delivered by
the Hon'ble Chief Justice)

We have heard the learned counsel appearing for the respective parties.

2. The writ appeal has been filed challenging the order dated 01.3.2022 whereby the writ petition was dismissed with liberty to the appellant to pursue the claim by taking appropriate remedy before the Authority concerned.

3. We do not find any illegality in the order passed by the learned Single Judge. The writ petition was filed seeking a direction to the respondents for payment of the amount of work undertaken by the appellant. However, the claim was made without showing the admission regarding payment of amount. Rather, as per the order of the District Collector, it was to be verified. Therefore, the appellant was having a remedy of filing a suit for recovery of amount. Instead of doing so, the writ petition was filed. The learned Single Judge rightly directed the appellant to take the remedy for recovery of amount as provided under law. The jurisdiction of the Court under Article 226 of The Constitution of India would not be available for recovery of the contractual amount.

4. Finding no error in the order impugned, the writ appeal is dismissed. There will be no order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



To:

1.The Secretary to Government
of Tamil Nadu, Revenue Department
Secretariat, Fort St.George, Chennai- 9.

2.The District Collector, Kanchipuram
District, Chairperson, Disaster
Management Authority,
Kanchipuram.

+lcc to Mr.Y.Jyothish Chander, Advocate Sr.29114
+lcc to the Government Pleader Sr.29710

W.A.No.1199 of 2022

br[co]

srg 12/05/2022