



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.12098 of 2009

R.Asokan

... Petitioner

Vs.

The General Manager,
Aavin,
Karaikudi.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the respondent in Na.Ka.2503/Vi.Pi.1/05, dated 09.07.2009, and to quash the same and direct the respondent to pay Rs.1,21,921.06/- being the amount due to the petitioner.

For Petitioner : Mr.M.R.Sreenivasan

For Respondent : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

Mr.S.Shanmugavel, learned Additional Government Pleader, takes notice for the respondent.

2. The Writ Petition has been filed pursuant to an agreement between the petitioner and the respondent raising issues with respect to the amount due and payable by the respondent to the petitioner.

3. The petitioner had filed an earlier Writ Petition and a direction had been given to consider the representation of the petitioner. A Contempt Petition was also filed. In the Contempt Petition, it was informed that the claim of the petitioner has been rejected again.

4. Even on the earlier occasion, learned counsel for the petitioner was informed that the scope of the Writ Court under Article 226 of the Constitution, to interfere and interpret a contract, is very narrow.



5. Learned counsel for the petitioner stated that the period, during which the Writ Petition has been pending, may be excluded under Section 14 of the Limitation Act and the petitioner may take appropriate steps to file necessary suit before the competent Court.

WEB COPY

6. The present Writ Petition has been filed questioning an order dated 09.07.2009. The petitioner seeks a sum of Rs.1,21,921.06/- as payable by the respondent herein.

7. A perusal of the records show that the Writ Petition has been filed on 20.11.2009. It has been disposed of today / 28.01.2022. The interregnum period, during which the petitioner has been prosecuting the present Writ Petition from 20.11.2009 till today / 28.01.2022, may be excluded, if at all the period of limitation is put against the petitioner if the petitioner files a separate proceedings questioning the breach in the agreement between the parties.

8. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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:

The General Manager,
Aavin, Karaikudi.

W.P. (MD) .No.12098 of 2009
28.01.2022

RD/CK(10.02.2022) 2P 2C