



W.A.(MD) No.618 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A.(MD) No.618 of 2023

and

C.M.P.(MD) Nos.5781 & 5850 of 2023

R.V.Kannan

... Appellant

-VS-

1.The Branch Manager
Tamilnadu Industrial
Development Corporation (TTIC)
Thoothukudi District

2.Ramesh

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 01.09.2022, passed in W.P.(MD) No.15214 of 2022, on the file of this Court.

For Appellant : Mr.B.Jameel Arasu

For Respondents : Mr.R.Saravanan for R1
Mr.KA.Ramakrishnan for R2



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J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The appellant seeks a money decree under Article 226 of the Constitution of India. The said attempt has been rightly repelled by the learned Single Judge. On an understanding with the borrower, namely, the second respondent, the appellant had paid certain amounts to the first respondent. The same had been adjusted towards the loan due from the second respondent and the entire amount has been settled. Now, since the transaction between the appellant and the second respondent did not go through, the appellant wants the first respondent / Tamilnadu Industrial Investment Corporation to repay the amount deposited by him consequent upon the contract between him and the second respondent. The perusal of the affidavit and the counter affidavit filed in the writ petition would show that there are several disputed questions of fact, which cannot be conveniently gone into by the writ jurisdiction. While the first respondent – Industrial Investment Corporation claims that the deposit was made with a supporting letter dated 18.12.2020, Mr.B.Jameel Arasu, learned counsel for the appellant would dispute that the said letter was written by an authorized officer of the appellant. These questions cannot be conveniently decided in the writ



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jurisdiction. Hence, the impugned order passed by the Writ Court is sustained.

2. This writ appeal fails and the same is dismissed. It is left open to the appellant to approach the jurisdictional Civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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