



W.P.(MD)No.13730 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.11.2025

CORAM:

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.(MD).No.13730 of 2019

J.E.John Samuel

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Commissioner of Municipality,
Padmanabhapuram Municipality,
Thuckalai Post,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to directing the respondents to pay Rs.2,57,212/- with interest at the rate of 1% from 09.06.2017 till date by considering the petitioners representation dated 21.12.2018.

For Petitioner : Mr.S.Sivakumar

For R1 : Mrs.D.Farjana Ghoushia
Special Government Pleader

For R2 : Mr.Athimoola Pandian



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ORDER

This writ petition has been filed seeking a direction to the respondents to pay Rs.2,57,212/- with interest at the rate of 1% from 09.06.2017 till date by considering the petitioners representation dated 21.12.2018.

2. Heard the learned counsel on either side.

3. Subsequent to filing of the writ petition, a sum of Rs.1,99,137/- has been paid to the petitioner vide two cheques bearing Nos.839149 and 248824. In the counter filed by the respondent, it has been further stated as follows:-

“It is respectfully submitted that in respect of the demands made in para No.2 of the affidavit regarding bill No.227, 228, dated 29.04.2014, bill No.335, dated 17.11.2014, bill No.111, dated 01.06.2015 and bill No.190, dated 30.06.2015, totally amounting to Rs.43,432/-, no records are available in the 2nd respondent Municipality to evaluate the claim made by the writ petitioner. The writ petitioner has also not produced any work order before this Hon'ble High Court to justify his demand in respect of Rs. 43,432/-. In the event the writ petitioner producer's necessary particulars of work orders and records his demand would be appropriately considered.”



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Which is a disputed question of fact which cannot be dealt with by this Court sitting in Article 226.

4. Therefore, the writ stands disposed of recording the receipt of a sum of Rs.1,99,137/-. However, it is open to the petitioner to file such proceedings as is required for the balance amount. No costs.

04.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.T.ASHA, J.

rgm

To

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