

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.827 of 2017

P.Kandasamy
rep by his P.O.A
S.K.Shanmugam

.. Petitioner

Vs.

The Chairman and Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chepauk,
Chennai 600 005

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to pay the interest as per the representations dated 05.10.2016 and 07.11.2016 to the petitioner.

For Petitioner : Mr.M.Raja Sekhar
For Respondent : M/s.S.Tamil Arasi

ORDER

The Writ Petition is filed praying for issuance of a Writ of Mandamus, directing the respondent to pay the interest as per the representations dated 05.10.2016 and 07.11.2016 to the petitioner.

2. It is the case of the petitioner that nearly Rs.3,00,00,000/- (Rupees three crores only) is due to the petitioner and pursuant to the order of this Court dated 28.04.2011, a sum of Rs.1,00,00,000/- has been directed to be deposited in the account of the petitioner.

3. This Court passed the following order on 28.04.2011 in the earlier Writ Petition filed by the petitioner in W.P.No.10942 of 2011:

"2. The respondent has filed a counter affidavit.

In the counter affidavit, the respondent, while

admitting the execution of agreement with the petitioner, the work completed by him relating to CWSS to 378 habitations in K.Paramathy Union in Karur District and the entitlement of the petitioner to get payment, would only contend that one of the partners of the petitioner had obtained interim injunction restraining the respondent from disbursing amount to the tune of Rs.1 crore to the petitioner in I.A.No.17 of 2007 in I.P.No.6 of 2007 before the Sub Ordinate Judge, Mettur and therefore, they could not disburse the amount to the petitioner. It is also admitted that the petitioner has earlier approached this Court by filing a Writ petition and inspite of the direction to consider the representation of the petitioner, no order could be passed for disbursement of the amount due to the order of interim injunction granted by the Sub Court, Mettur. It is further stated that the respondent is willing to pay the amount to the petitioner over and above Rs.1 Crore.

3. In view of the specific stand taken by the respondent in the counter affidavit, this writ petition if disposed of with a due and payable to him in respect of the work completed by him relating to CWSS to 378 habitations in K.Paramathy Union in Karur District over and above Rs.1 Crore within a period of four weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of accordingly. No costs".

4. Pursuant to the above direction of this Court, a sum of Rs.1,00,00,000/- (Rupees one crore only) has been deposited in the account by the respondent, which according to the petitioner, is due from the respondent, without fetching any interest to the petitioner. It is submitted by the learned counsel for the petitioner that the petitioner had earlier submitted representations dated 05.10.2016 and 07.11.2016 for release of the accrued interest amount due to him through the Canara Bank.

5. Learned counsel for the respondent submitted that earlier, this Court directed as above in W.P.No.10942 of 2011, dated 28.04.2011 and it has been reported that the order has been complied with and that they are willing to act in accordance with law and directions issued by this Court. This has been submitted in detail in paragraphs 3 and 4 of the counter affidavit filed by the respondent, dated 18-05-2017 which reads as follows:-

"3. I further submit that in pursuance of order dated 28.04.2011, made in W.P.No.10942 of 2011, the TWAD Board have deposited Rs.1.00 crore at Canara Bank, Mount Road Branch, Chennai 600 002, on 28.08.2012 and the deposit is lying intact there.

4. It is further submitted that, the TWAD Board will leave the discretion to the Hon'ble Court for payment of interest accrued from the deposit of Rs.1.00 Crore, deposited at Canara Bank, Mount Road, Chennai - 2, as the said amount is deposited as per the direction of this Hon'ble Court made in W.P.No.10942/2011 dated 28.04.2011."

6. In view of the above averments made in the counter affidavit, the Canara Bank, Mount Road-II, with whom a sum of Rs.1,00,00,000/- (Rupees one crore only) is lying intact, pursuant to the order of this Court dated 28.04.2011, the interest accrued over the amount to be paid till date, may be released, within four weeks from the date of receipt of copy of this order through RTGS and the interest amount shall be released once in three months till the issue raised in I.P.No.6 of 2007 is disposed of. The respondent-TWAD Board is directed to send a copy of this order to the above said Bank to comply with the above direction.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

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सत्यमेव जयते

Sub Assistant Registrar

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To:

The Chairman and Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chepauk,
Chennai 600 005

+1 cc to M/s.M.Raja Sekar Advocate sr 46932
+1 cc to M/s.S.Thamizharasi Advocate sr 46974

Order in
W.P.No.827 of 2017

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aa26/07/2017



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