

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

WRIT APPEAL No.1433 of 2016

Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned Assistant Government Pleader for Irrigation and Command Area Development for the appellants and Sri K. Ashok Reddy, learned counsel for the respondent-writ petitioner.

2. This appeal is addressed against a common order which essentially turns around certain facts, which according to the learned Single Judge are not in dispute. Two clauses of a contract document fell for consideration. We see that a particular interpretation was placed by the learned Single Judge to reconcile the conflict between those two clauses. We also see that there would have been some submission on behalf of the Government essentially not disputing the view that was taken by the learned Single Judge.

3. Hearing the learned Assistant Government Pleader for Irrigation and Command Area Development and the learned counsel for the respondent-writ petitioner, we are of the view that in matters relating to interpretation of contracts and those affecting the funds of State, it would not be appropriate to tie down the litigation to any concession made by the learned Government Pleader. In the fitness of things, we are of the view that it is abundantly a fit case where the appellants be granted an opportunity to seek review of the judgment in accordance with law.

4. Hence, this appeal is dismissed without prejudice to the right of the appellants to seek review of the judgment appealed against, in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 20.7.2018

RAMESH RANGANATHAN, J

Pnb/va

