

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

W.A.Nos.613 and 766 of 2017

COMMON JUDGMENT: (per Hon'ble the Acting Chief Justice)

Heard Sri J. Prabhakar, learned counsel for the appellants, and Sri P. Sri Raghuram, learned Senior Counsel appearing on behalf of the respondents-writ petitioners; and, with their consent, these appeals are being disposed of at the stage of admission.

After arguing for sometime, Sri J. Prabhakar, learned counsel for the appellants, stated that, by the earlier Memo, the appellants had agreed to repay the principal amount, paid by the respondents-writ petitioners to the appellants herein, along with interest @ 12% per annum; subsequently, the earlier Memo was rescinded and, instead, the appellants agreed to repay the entire principal amount with interest @ 12% per annum from the date of receipt of the said amounts till the date of cancellation, and @ 6% per annum from the date of cancellation till the date of repayment; the Cheques/Demand Drafts representing the amounts payable to the respondents-writ petitioners, in terms of the revised Memo issued by the Housing Board, has already been dispatched to the respondents-writ petitioners; and, since the learned Single Judge did not consider the appellants'

contention on merits, the respondents-writ petitioners may be permitted to encash the Cheques-Demand Drafts, and the dispute relating to the interest payable post-cancellation be directed to be decided in the Writ Petitions after the appellants are granted time to file their counter-affdiavits. Sri P. Sri Raghuram, learned Senior Counsel, readily agrees for such an order to be passed.

We consider it appropriate, in such circumstances, to dispose of the Writ Appeals permitting the respondents-writ petitioners to encash the Cheques/Demand Drafts issued in their favour by the appellants, without prejudice to their right to claim interest @ 12% per annum from the date of cancellation till the actual date of repayment. The common order, under appeal, is set aside, the writ petitions are restored to file, and the writ petitions shall stand admitted. The appellants shall file their counter affidavit in the writ petitions within three weeks from today. It is open to the learned Senior Counsel for the respondents-writ petitioners to request the learned Single Judge to take up either the WPMPs or the Writ Petitions for final hearing any day after three weeks. Needless to state that all contentions, regarding entitlement of the respondents-writ petitioners for interest @ 12% per annum from the date of cancellation till the actual date of repayment, are left open to be adjudicated in the Writ Petitions.

As a sequel, miscellaneous petitions pending, if any, in the Writ Appeals shall stand closed. No order as to costs.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

03.01.2018.
Msr



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