

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15700 of 2018

N. Fazulullah Khan
Executive Engineer,
Corporation of Chennai, Chennai-600 003. ..Petitioner

vs

The Commissioner
Corporation of Chennai,
Chennai-3. .. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus or any other writ or order or direction in the nature of a writ to direct the respondent herein to release the entire 25% of the DCRG amount of Rs.62,655/- earlier withheld in the order dated 12.05.2003 together with the reasonable interest at the rate of 18% per annum amounting to Rs.1,69,169/- and another amount of Rs.4,934/- subsequently withheld in the order dated 4.04.2008 together with interest at 18% per annum amounting to Rs.8,884/- (as at 31.5.2018 A.N) totally Rs.67,589/- which amount was withheld on two occasions for which the interest works out to Rs.1,78,050/- i.e. From the date on which the DCRG became overdue to the date of release as at 31.5.2018 A.N. And further interest therefor till the date of realisation.

For Petitioner : Mr. A.L. Namasivayam

For Respondent : Mr. R. Arunmozhi, Standing Counsel

O R D E R

The relief as such sought for in the present Writ Petition is to direct the respondents to release the entire 25% of the DCRG amount of Rs.62,655/- earlier withheld in the order dated 12.05.2003 together with the reasonable interest at the rate of 18% per annum amounting to Rs.1,69,169/- and another amount of Rs.4,934/- subsequently withheld in the order dated 4.04.2008 together with interest at 18% per annum amounting to Rs.8,884/- (as at 31.5.2018 A.N) totally Rs.67,589/- which amount was withheld on two occasions for which the interest works out to

Rs.1,78,050/- i.e. From the date on which the DCRG became overdue to the date of release as at 31.5.2018 A.N. And further interest therefor till the date of realisation.

2. The learned counsel appearing on behalf of the respondents assisted by Mr. S. Sakthi Manikandan, working as Superintending Engineer in Greater Chennai Corporation is ready to settle the DCRG amount and a claim regarding the interest cannot be considered on account of the fact that five (5) criminal cases already pending against the writ petitioner, the cases are yet to be disposed of.

3. Under these circumstances, an Indian Overseas Bank cheque bearing No.440847 dated 04.03.2019 for Rs.67,589 is now received by the writ petitioner and in respect of his claims for interest, the same shall be considered only after the conclusion of cases pending against him and in accordance with law.

4. The petitioner is at liberty to approach the respondent after the disposal of the criminal cases pending against him for his claim regarding the interest.

5. As of now, the interest cannot be provided as the criminal cases against the writ petitioner are still pending. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

mrn

To
The Commissioner
Corporation of Chennai,
Chennai-3.

+1cc to Mr.R.Arunmozhi, Advocate SR.No.20222

+1cc to Mr.AL.Namasivayam, Advocate SR.No.21368

W.P.No.15700 of 2018

GJ(CO)
GMY(25/03/2019)