

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.26690 OF 2015

S.Chandrasekar

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Public Works Department,
Fort St. George, Chennai - 600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

3. The Chief Engineer,
Water Resource Organisation,
Public Works Organisation,
Chennai - 600 005.

4. T.P.Ganesan,
Executive Engineer,
Water Resource Organisation,
Lower Palar Basin Division,
Chennai - 600 005.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus to direct the 4th respondents to refund the amount of Rs.4,96,980/- drawn on State Bank of India in favour of the "EE PWD WRD Lower Palar Basin Division" payable at State Bank of India, Kancheepuram Branch, on the condition to supply sand to the petitioner, paid to the 4th respondent and also direct the 4th respondent to pay interest at the rate of 12% per annum from the date of payment that is 17.02.2014 till the date of payment and refund the amount in time.

For Petitioner : M/s.Vasanthamala

For Respondents : Mr.R.S.Selvam for R1 to R3
Government Advocate

O R D E R

This writ petition has been filed for a mandamus to direct the fourth respondent to refund a sum of Rs.4,96,980/- which was paid by the petitioner by way of Demand Draft drawn on State Bank of India in favour of EE PWD WRD Lower Palar Basin Division, payable at State Bank of India, Kancheepuram Branch.

2.It is the case of the petitioner that the aforesaid payment was made towards purchase of sand from the fourth respondent pursuant to the notification of the EE PWD WRD Lower Palar Basin Division, Kancheepuram.

3.According to the petitioner, despite reminders, the respondents failed to supply the sand. But according to him, all of a sudden, he came to know that the supply of sand has been cancelled by the Government as seen from the Newspaper publication dated 30.05.2014. Therefore, according to the petitioner, he sought for refund of a sum of Rs.4,96,980/- from the fourth respondent given towards purchase of sand. According to the petitioner, a Demand Draft given by the petitioner for a sum of Rs.4,96,980/- was also encashed by the respondent. According to the petitioner, despite reminders, the respondents have not refunded the amount. In such circumstances, this writ petition has been filed.

4.Heard M/s.K.Vasanthamala, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for the respondents 1 to 3.

5.The learned Government Advocate for the respondents 1 to 3 has produced proceedings dated 13.12.2019 issued by the fourth respondent. As seen from the proceedings, since the petitioner has not come forward to obtain the refund of the amount of Rs.4,96,980/-, the said sum has been deposited into the Government Account. Therefore, the fourth respondent has stated in the aforesaid proceedings that after getting necessary permission from the Accountant General's Office, the sum of Rs.4,96,980/- can be refunded to the petitioner.

6.Recording the submission made by the learned Government Advocate for the respondents 1 to 3 and as seen from proceedings dated 13.12.2019 of the fourth respondent, this Court directs the fourth respondent namely, EE, WRO, Lower Palar Basin Division, Kancheepuram to refund a sum of Rs.4,96,980/- within a period of four weeks from the date of receipt of a copy of this order after obtaining orders from the Accountant General's Office.

7.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pam

To

1. The Secretary,
Public Works Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Chief Engineer,
Water Resource Organisation,
Public Works Department,
Kancheepuram.
4. The Executive Engineer,
Water Resource Organisation,
Lower Palar Basin Division,
Kancheepuram.

+lcc to Mr.V.M.Ravichandran, Advocate, S.R.No.2683
+lcc to the Government Pleader, S.R.No.3199

W.P.No.26690 of 2015

GP (CO)
CS/20/02/2020

सत्यमेव जयते

WEB COPY