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W.P.No.8862 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 14.06.2023**

CORAM

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**W.P. No.8862 of 2023**

**and**

**W.M.P. No.9023 of 2023**

L.P.Shanmugasundaram

... Petitioner

vs.

1. The Secretary to Government,  
Higher Education Department,  
Fort. Saint George,  
Secretariat,  
Chennai – 600 009.

2. The Vice Chancellor,  
Anna University,  
Guindy,  
Chennai – 600 025.

3. The Registrar,  
Anna University,  
Guindy,  
Chennai – 600 025.

...Respondents

**Prayer:-** Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to settle the Professional Fee Bill in favour of the petitioner as per the claim sent to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents vide letters dated 02.05.2022 and 11.03.2023 with interest at the rate of 18% per annum till date of payment.



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For Petitioner : Mr. S. Senthilnathan  
For Respondents : Mr.V. Manoharan,  
Addl. Govt. Pleader for R1 & R2  
Mr.Avinash Wadhwani - R3

**ORDER**

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to settle the Professional Fee Bill in favour of the petitioner as per the claim sent to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents vide letters dated 02.05.2022 and 11.03.2023 with interest at the rate of 18% per annum till date of payment.

2. The petitioner was a Senior Standing Counsel for Anna University during the period between 2012-22. It is averred that due to non payment of professional fees, the petitioner has sent various representations seeking to settle the Fee Bills. However, till date, the same has not been considered by the respondents and he constrained to file this writ petition with the aforesaid prayer.

3. Learned counsel for the petitioner that the petitioner's services have been utilized by the respondent /University and hence, it is duty bound to settle the professional fees payable to the petitioner. He further submitted that the petitioner has submitted Annexures showing details of respective cases handled by him along with claim bills to the



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respondents and thus, the professional fees payable to the petitioner works out to Rs.63,75,667/-. Hence, it would suffice, if a direction is issued to the respondent /Anna University to settle the professional fees due to the petitioner, within a time frame to be fixed by this Court.

4. Learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that certain bills raised by the petitioner has been disputed by the 3<sup>rd</sup> respondent. Hence, to resolve the dispute, this Court may issue appropriate directions in the above regard.

5. Per contra, Mr.Avinash Wadwani, learned counsel for the 3<sup>rd</sup> respondent vehemently opposed the contentions raised by the learned counsel for the petitioner. He seriously argued that he put his sincere efforts to track each claim made by the petitioner and upon verification, it is found that in some cases, excess claim has been made and in certain other cases, bundles have not been handed over or the stage not known and in overall, he is disputing the bills as huge. He strongly disputed the amount claimed towards professional fees, by stating that certain payments were cleared by the respondents, by way of cheques.

6. Learned counsel drew the attention of this Court to the Memo filed by the 3<sup>rd</sup> respondent and reiterated the lines stated therein,



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particularly paragraph No.3. In brief, he stated that out of 138 bundles, only 95 bundles were received and out of 95 bundles, 3 bundles were not assigned to the petitioner. Finally he submitted that for filing vakalat (92 cases) and counter affidavit (41 cases), the amount payable to the petitioner arrived at Rs.1,07,500/-. In view of the aforesaid submissions, this Court may issue directions, accordingly.

7. Heard the submissions made by the learned counsel on either side and perused the entire paper book, Annexures as well as Memo filed by respective parties.

8. When the matter was listed earlier, it was found that the parties are disputing the amount payable to the petitioner. That being the position, on 25.04.2023, this Court issued directions to the respondent/University to settle the fees, within the prescribed time limit and in the mean time, the petitioner was also directed to hand over the entire bundle. Upon verification and strenuous efforts made by the parties, a conclusion is arrived at that certain payments were made in excess and verifying each case bundle, it is determined that as of now, a sum of Rs.1,07,500/- is due and payable to the petitioner. Therefore, to give quietus to the issue, this Court is inclined to issue directions to the



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respondent to pay the amount determined supra, within a time frame to be fixed.

9. Considering the submissions made by the learned counsel on either side, this Court directs the 3<sup>rd</sup> respondent to settle the professional fees payable to the petitioner to a sum of Rs.1,07,500/- (Rupees One lakh Seven Thousand and Five Hundred only), within a period of two weeks from the date of receipt of a copy of this order. Further, liberty is granted to both the parties to agitate their side of the case with regard to payment of fees in the manner known to law.

10. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.06.2023

Internet : Yes/No

Index: Yes/No

Speaking order/Non-speaking order

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**M.DHANDAPANI, J.**

vsi2

To

1. The Secretary to Government,  
Higher Education Department,  
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Chennai – 600 009.

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