



WEB COPY



W.P.No. 16717 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 16717 of 2022

A.Ambika

Vs

... Petitioner

1. The Tamil Nadu Water Supply & Drainage Board,
by its Managing Director,
Chepauk, Chennai – 600 005.
2. Chief Engineer,
Tamil Nadu Water Supply & Drainage Board,
Vellore.
3. The Executive Engineer,
Tamil Nadu Water Supply & Drainage Board,
RWS Division (Defunct Urban Division),
Villupuram.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to pay Bank Interest at the rate of 18 % p.a. Towards disbursing the amount of sum of Rs. 1,41,99,562/- from April 2013 to 06.10.2020 as per the representation of the petitioner dated 06.10.2020 to the petitioner.

For Petitioner : Mr. Rajasekhar
For Respondents : Mr. E. Om Prakash
Senior Counsel
for Ms. S. Mekhala
Standing Counsel



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ORDER

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The writ petition has been filed in the nature of a Mandamus seeking direction to the respondents, particularly, the first respondent, to pay interest at the bank rate of 18 % for the amount of Rs. 1,41,99,562/-, which amount had been paid to the petitioner herein. Interest is claimed for the period from April, 2013 to October 2020. In this connection, the petitioner had given a representation dated 06.10.2020.

2. The writ petitioner was engaged to do work at Villupuram and at Senji. The petitioner did not complete the work at Villupuram and therefore, the respondents had to engage another contractor to complete that particular work.

3. The petitioner, however completed the contract work at Senji. The amount which was due and payable, was held back by the respondents, till the second contractor completed the work so far as the Villupuram work was concerned.

4. The petitioner claimed that there was a delay in payment. Therefore, the petitioner claimed interest of the bank rate of 18 % on the payments already effected.



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5. The petitioner has an affinity to come to Court by filing writ petitions. The petitioner had earlier filed a writ petition in W.P.No. 31442 of 2018 and more or less, the same relief of payment of interest at 18 % per annum for the amount paid was sought.

6. The petitioner in that case also had given a representation just as in the present case. A direction had been issued that the representation should be considered and disposed of. That representation was disposed of by proceedings dated 21.01.2020. The first respondent had rejected the claim for payment of interest. That particular order dated 21.01.2020 has to be challenged by the petitioner in manner known to law.

7. Learned counsel stated that due to oversight reference to either earlier writ petition or to the said order had not been drawn in the affidavit filed in support of the present writ petition. But this contention by the learned counsel is very seriously refuted and contested by the learned Senior Counsel on behalf of the respondents.

8. This writ for mandamus, seeking a direction when an order



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had already been passed on 21.01.2020, rejecting the claim for interest, would not lie.

9. I would make it clear that I have not entered into any discussion on the eligibility for claim for interest and the claim by the respondents that there part of interest had not been provided in the contract between the petitioner and the respondents. The learned senior counsel for the respondents state that seven different petitions have been filed against the respondents herein. Though the Court cannot give any specific liberty to the petitioner for filing a separate writ petition, still if the petitioner claims that his valuable rights have been violated, the petitioner can always take to recourse to take appropriate steps in manner known to law.

10. Writ Petition stands disposed in view of that particular direction given. No costs.

10.01.2023

Index: Yes/no
mrn



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To

1. The Managing Director,
The Tamil Nadu Water Supply & Drainage Board,
Chepauk, Chennai – 600 005.
2. The Chief Engineer,
Tamil Nadu Water Supply & Drainage Board,
Vellore.
3. The Executive Engineer,
Tamil Nadu Water Supply & Drainage Board,
RWS Division (Defunct Urban Division),
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C.V.KARTHIKEYAN, J.

(mrn)

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