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W.P.No.24925 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.24925 of 2018

M/s.Sri.Saraswathi Timbers Mart,
Rep. by its Partner Mr.Ravilal Patel,
No.54/24, 1st Main Road,
New Colony, Chrompet,
Chennai – 600 044.

...Petitioner

Vs.

1. The Registrar General
Hon'ble High Court, Madras,
Chennai – 600 001.
2. The Principal District and Sessions Judge,
District and Sessions Court,
Chengalpet.
3. The Principal District Munsif Judge,
District Munsif Court, Alandur,
St.Thomas Mount, Chennai – 600 0116.
4. The Joint Director,
District Treasury, Kancheepuram.
5. The Assistant Treasury Officer,
Sub Treasury, Tambaram.

...Respondents

(R4, R5 impleaded vide order dated 25.01.2022 made in
WMP.No.781 of 2022 in W.P.No.24925 of 2018.)



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to dispose of petitioner's representation dated 27.11.2017 in so far as towards the payment of interest amount on a sum of Rs.3,84,00,000/- deposited with the 3rd respondent at the rate of 18% P.A. for a period between 03.06.2013 to 14.07.2017 i.e., a sum of Rs.2,82,24,000/- (Two Crore Eighty Two Lakh and Twenty Four thousand only) towards accrued interest for 4 years and one month in pursuance of the directions of this Court in CRP (PD) Nos.3569 and 4383 of 2019 dated 27.04.2016 within a time frame as may be stipulated by this Court.

For Petitioner : Ms.Shanthini.P
for Mr.K.Kulandaivelu

For Respondents : Mr.M.Kemp Raj, for R1 to R3.
: Mr.M.Alagu Goutham, GA, for R4 & R5

ORDER

This Writ petition has been filed seeking direction to the 3rd respondent to dispose of the petitioner's representation dated 27.11.2017 in so far as towards the payment of interest amount on a sum of Rs.3,84,00,000/- deposited with the 3rd respondent at the rate of 18% P.A. for a period between 03.06.2013 to 14.07.2017 i.e., a sum of Rs.2,82,24,000 (Two Crore Eighty Two Lakh and Twenty Four thousand only) towards accrued interest for 4 years and one month in pursuance of the directions of this Court in CRP (PD) Nos.3569 & 4383 of 2019 dated 27.04.2016.



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2. The case of the petitioner is that, the petitioner entered into lease with one P.P.Thangarajan in respect of the land comprised in S.No.411, measuring an extent of 16 grounds, situated at Chrompet, Tambaram Taluk. While so, due to some civil dispute, the said P.P.Thangarajan filed a civil suit in O.S.No.485 of 2004 on the file of the 3rd respondent, seeking ejection and recovery of possession of the above said property, in which, the petitioner filed a Interlocutory application in I.A.No.1430 of 2004, seeking to fix market value for the suit property and to permit the petitioner to deposit the amount in the Court with a further direction to convey the suit property in his favour and the same was decreed, vide order dated 16.02.2010, directing the petitioner to deposit the Sale price of Rs.9,74,88,000/- in the Court within a period of six months the date of order. Aggrieved by the said order, the petitioner preferred an appeal in CMA.No.16 of 2010 on the file of the Subordinate Judge, Tambaram and the same was allowed on 04.04.2012 by setting aside the order passed by the 3rd respondent and the sale price of the suit property was modified to Rs.3,84,000/-. Pursuant to the said order, the petitioner deposited the said amount in favour of the 3rd respondent. Subsequent to the same, two Civil revision petitions were preferred both by the petitioner and by the landlord



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in CRP.(PD).No.4838 of 2013 and 3569 of 2013 before this Court and during the pendency of the same, the petitioner and the said Thangarajan came to a compromise and filed a joint compromise memo, based on which, the above said Civil revision petitions were disposed of along with the O.S.No.485 of 2004, with a direction to return the amount deposited by the petitioner with accrued interest. Pursuant to the same, the petitioner filed a payment out petition on the file of District Munsif Court and the amount deposited by the petitioner was returned to him, without any interest. Therefore, the petitioner made a detailed representation dated 27.11.2017 to the respondents 1 to 3, seeking payment of interest for the amount deposited by him, however, till date, no orders have been passed on the said representation. Hence, this Writ petition.

3. Learned counsel for the petitioner submitted that, though the principal amount was returned to the petitioner, however, the interest for the said amount was not paid in favour of the petitioner. He further submitted that, the petitioner deposited the entire amount of Rs.3,84,00,000/- before the Lower court, and subsequently, the said amount was transferred to the Assistant Treasury Officer, Sub Treasury Office, Tambaram and even from



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the letter of the Assistant Treasury officer, Sub Treasury, Tanbaram dated 04.11.2016 bearing RC.No.1677/2016/A5, it is evident that, the sum of Rs.3,84,00,000/- deposited by the petitioner was deposited in the State Bank of India, Tambaram Branch on 07.06.2013, while so, non payment of the interest accrued for the deposited amount in favour of the petitioner is highly unjustified.

4. Learned counsel for the respondents 1 to 3 did not dispute the facts submitted by the learned counsel for the petitioner and he submitted that, this Court may issue direction to the respondents 3 & 5 to disburse the interest accrued for the deposited amount to the petitioner.

5. On the above said contentions, heard learned Government Advocate appearing for the 4th and 5th respondents and perused the material documents placed on record.

6. Though very many averments have been made and detailed submissions were advanced, however, the fact remains that the interest on the amount to which the petitioner is entitled has not been paid to the



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petitioner for which the petitioner has submitted his representation, which has not received the attention of the respondents. Admittedly orders were passed by various Courts to pay the amounts back to the petitioner and the petitioner has also received the amounts. However, it is the duty cast on the respondents to pay the interest as well to the petitioner for the amount which has been returned back to the petitioner, which is in deposit with SBI. The said fact is fairly accepted by the learned counsel appearing for the respondents. Though SBI is not the party, it is the duty cast upon the SBI to pay the interest accrued in respect of the amount, which has been returned back to the petitioner from the date of deposit till the date of return of the said amount.

7. In such circumstances, in view of the fair stand taken by the learned counsel on either side, this Court without going into the merits of the contentions, issues direction to respondents 4 and 5 to take steps with SBI, Tambaram to pay the interest amount which was accrued for the above said amount deposited by the petitioner from the date of its deposit till the date of payment to the petitioner within a period of four weeks from the date of receipt of a copy of this order.



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8. With the above observations and directions, this Writ petition stands allowed. No costs. Registry is directed to mark a copy of this order to the Branch Manager, SBI, Tambaram.

15.03.2023

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NCC : Yes/ No

Speaking Order : Yes/ No

Index : Yes/ No

To

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M.DHANDAPANI., J.

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