



W.A.No.2 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.No.2 of 2024

N.Balusamy

.. Appellant

Vs

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Road,
Chepauk, Chennai-600 005.

2.The Executive Engineer,
Maintenance Division,
Tamil Nadu Water Supply and Drainage Board,
Sengunthapuram,
Jayankondam,
Ariyalur District.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 14.11.2022 passed by the learned Single Judge in W.P.No.28727 of 2022.



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For the Appellant : Ms.M.E.Raniselvam

For the Respondents : Ms.S.Megala

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Ms.M.E.Raniselvam, learned counsel for the appellant;
and, Ms.S.Megala, learned counsel for the respondents.

2. The present appellant had filed the writ petition for refund of the amount withheld by the respondents along with interest at the rate of 12% per annum.

3. The learned Single Judge came to the conclusion that the respondents had withheld the amount of the appellant and are liable to make payment of Rs.2,19,690/-. The Court directed the respondents to pay the said amount of Rs.2,19,690/- to the appellant on or before 15.12.2022 and for other grievances, including the interest, the Court directed the appellant to avail the



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remedies as may be recognised by law.

4. It is not disputed that the appellant is entitled for the amount of Rs.2,19,690/- and the respondents were required to make payment in the year 2012. However, the amount was not paid. The appellant is deprived of the use and enjoyment of the said amount for such a long period. As such, he is entitled for interest by way of damages.

5. In view of the above, the order of the learned Single Judge is modified to the extent that the present respondents shall make payment of Rs.2,19,690/- to the appellant with interest at the rate of 7% per annum (simple interest) from 01.01.2013 till the date the amount of Rs.2,19,690 is paid to the appellant.

6. It is submitted that the said amount of Rs.2,19,690/- is paid to the appellant as directed by the learned Single Judge.

7. In the light of that, the interest shall be payable from



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01.01.2013 till the date the amount of Rs.2,19,690/- was paid by the respondents to the appellant. The said interest amount as directed shall be paid within four months.

The writ appeal is, accordingly, partly allowed. There shall be no order as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

10.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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