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W.A.No.2827 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.2827 of 2024 and
C.M.P.No.20724 of 2024

1. The Chief Engineer (Projects),
Highways Department (Projects)
Highways Research Station,
No.845, Sardar Patel Road,
Opp. To Raj Bhavan,
Next to Anna University,
Guindy, Chennai-600 015.
2. The Superintending Engineer (Projects),
Highways Department (Projects),
Housing Board Complex,
Chennai-600 008.
3. The Principal Secretary to the Government,
Public Department, Secretariat,
Chennai-600 009

... Appellants/Respondents

-VS-

M.C.Swamy

... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 05.04.2024 made in W.P.No.28087 of 2017 and allow the Writ Appeal

For Appellants : Mr.T.K.Saravanan
Govt. Advocate

J U D G M E N T



W.A.No.2004 of 2024

(By Hon'ble Acting Chief Justice)

This Writ Appeal has been filed, challenging the order dated 05.04.2024

made in W.P.No.28087 of 2017, in and by which, the respondents therein were directed to pay interest at the rate of 8% per annum to the petitioner.

2. Notice to the respondent is dispensed with, as no adverse order is going to be passed in this Writ Appeal.

3. The short point involved in this case is as to whether the interest granted to the Writ Petitioner by the learned Single Judge for the period from 20.09.2003 to 23.10.2017 is justified or not?.

4. It is seen that learned Single Judge had gone into the merits of the case on hand and found that the Government had passed G.O.(Rt) Nos.234 dated 04.10.2007 and 165 dated 17.12.2012, sanctioning amount towards Legal Counsel's fees to the Writ Petitioner. As per the averments raised in the Writ Petition, a Legal Counsel's fee has to necessarily be cleared within a period of six months from the date of submission of bills. Though the Government had sanctioned the amount on 28.09.2017, there was no reference as to the payment of interest for the delay in payment of amount and therefore, the learned Single Judge rightly granted the interest at the rate of 8% per annum for the



W.A.No.2009-10-11

sum of Rs.2,35,169/-, which, in our considered opinion, is perfectly justified, warranting no interference by this Court.

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5. In the result, *this Writ Appeal is dismissed*. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,ACJ.]

[P.B.B,J.]

20.09.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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HON'BLE ACTING CHIEF JUSTICE,
AND
P.B.BALAJI,J.,



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