



W.A(MD)No.418 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.418 of 2024
and
C.M.P(MD)No.3570 of 2024

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Block Development Officer,
Thirupathur Block,
Thirupathur,
Sivagangai District.

... Appellants/Respondents

Vs.

R.Venkatesh

... Respondent/ writ petitioner

PRAYER : Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 17.07.2023 made in W.P(MD)No.17179 of 2023.



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Prayer in WP(MD). 17179/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd Respondent to disburse Rs. 59,75,349/- payable to the petitioner for the road construction works as per the 1st Respondent proceedings in Na.Ka.DA1/3360/19 dated 09.03.2022 and Na.Ka.DA5/3360/19 dated 27.11.2022 along with the enhanced 6 percentage taxes payable under the CGST and SGST and interest of 18 percentage per annum to the amount of Rs.59,75,349/- till the final payment made by the 2nd respondent considering his representation dated 16.06.2023.

For Appellants :Mr.Veera.Kathiravan,
Additional Advocate General, assisted by
Mr.S.P.Maharajan,
Special Government Pleader

For Respondent :Mr.S.M.Anantha Murugan

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This writ appeal has been filed by the State, challenging the order passed by the Writ Court, dated 17.07.2023 made in W.P(MD)No.17179 of 2023, against the granting of interest for the settlement of the entire outstanding amount payable to the respondent/writ petitioner, for the road contract work executed by him.



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2. The learned Additional Advocate General would submit that the delay in settling the outstanding amount has not been disputed by the appellants. However, there is no provision in the agreement for granting interest for such outstanding amount. Since there is no such clause in the agreement, the same cannot be awarded and hence, the order of the Writ Court is liable to be set aside.

3. We have heard the learned counsel appearing on either side and perused the materials placed before us.

4. Admittedly, there is outstanding amount payable to the respondent/writ petitioner. The contention of the appellants that since there is no clause in the agreement for granting interest for the outstanding amount, cannot be accepted. The Writ Court has rightly come to the conclusion to grant interest.

5. Therefore, we are not inclined to interfere with the decision of the learned Single Judge in granting interest. Hence, this writ appeal stands dismissed. However, considering the fact that the Writ Court has not fixed the rate of interest and directed



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the Department to settle the amount with permissible interest, **(*)for the sake of clarity, we are fixing the interest at the rate of 6% per annum for the delayed payment which comes to Rs.29 lakhs, from the date of filing of the writ petition till the date of realization. The aforesaid order is to be complied with, within a period of twelve weeks from today.** No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

(*)Corrected as per order of this Court dated 30/04/2024 made in W.A(MD)No. 418 of 2024 and C.M.P(MD)No.3570 of 2024

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2024

Sub Assistant Registrar(CS)

PM

To:

(*)To be substituted the order which already despatched on 29/04/2024

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Block Development Officer,
Thirupathur Block,

<https://www.mhc.tn.gov.in/judis>



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Thirupathur,
Sivagangai District.

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate(SR.NO.23494)

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PKP/17.04.2024/ 5P/ 4C

MGJ/24/06/2024 5P/ 4C

Madurai Bench of Madras High Court is issuing certified
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