



W.P(MD)No.13855 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13855 of 2024

AM.Subburaj

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Chennai - 9.

2.The Chief Engineer (Highways),
Nabard and Rural Roads,
Chennai.

3.The Superintending Engineer,
Nabard and Rural Roads Circle,
Trichy - 20.

4.The Divisional Engineer,
Nabard and Rural Roads Division,
Trichy.

5.The Executive Engineer,
Public Works Department,
Water Resources Department,
River Conservation Division,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to settle the final Bill Payment of Rs.23.00 lakhs towards the Construction of



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High Level Bridge at Km 1/8 of Trichy - Kulumoni - Jeeyapuram Road across Kudamurutti Nabard Project vide CR Agreement No.10/2012-13 dated 04.10.2012 as the Project was completed on 10.03.2014 and brought under use of Public for the past 10 years along with belated payment interest at the rate of 18 percentage p.a.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner had carried out contract works for highways department. His grievance is that his final bill amount has not been paid. Hence, this writ petition was filed.

3.Notice was ordered. In the counter affidavit, it is admitted that the total amount to be settled to the petitioner is only Rs.10,12,106/-. In writ jurisdiction, disputed facts regarding payment cannot be gone into. I, therefore, direct the fourth respondent to pay a sum of Rs.10,12,106/- within a period of eight weeks from the date of receipt of a copy of this order. If within eight



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weeks, this amount is not paid to the petitioner, it will carry interest at the rate of 6% per annum from the date when the original cause of action arose. It is true that belated payments should carry interest. But then, equities also will have to be taken into account. The cause of action appears to have arisen way back in the year 2014. If the petitioner were to file a civil suit, it would be barred by limitation. There are also decisions which say that in writ jurisdiction, direction to pay the bill amount in commercial matters cannot be ordered. Since the petitioner's entitlement is accepted, I have chosen to give direction to the fourth respondent. But then, I have not ordered interest only in view of the factors set out above.

4.The writ petition is partly allowed. No costs.

19.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Secretary to Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Chennai - 9.
- 2.The Chief Engineer (Highways),
Nabard and Rural Roads,
Chennai.



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- 3.The Superintending Engineer,
Nabard and Rural Roads Circle,
Trichy - 20.
- 4.The Divisional Engineer,
Nabard and Rural Roads Division,
Trichy.
- 5.The Executive Engineer,
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