

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3320 of 2017

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Santosh Kumar S/o Late Pramila Devi, Resident of Sipara Gandhi Chawk,
P.S. Beur, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Patna Municipal Corporation through Municipal Commissioner
3. The Municipal Finance and Finance and Account Controller, Patna,
Municipal Corporation
4. The Dy. Municipal Commissioner, Patna Municipal Corporation

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramendra Prasad, Adv.
For the Respondent/s : Mr. Subhash Pd. Singh-GA3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 20-03-2025 Heard Learned Counsel for the petitioner, Learned

Counsel for the State and Learned Counsel for the Patna

Municipal Corporation.

2. Learned Counsel for the petitioner submits that the

present writ application has been filed for directing the

Respondents Authority to dispose of representation on

11.01.2017 in respect of said petitioner is legal heir of his dead

mother's son hence, he is duly entitled to get all residue arrear in

place of his dead mother.

3. Both the counsel fairly submit that total amount

Rs.5,96,321/- (Five lacs Ninety Six Thousand Three Hundred

Twenty one only) has been paid, but interest on the said amount



has not been paid. He further submits that the petitioner has earlier moved before this Hon'ble Court in C.W.J.C.No.9552 of 2017 and subsequently, in M.J.C. No.3705 of 2019 in which direction was made to make payment with 6 % interest to the petitioner/ his mother. He further submits that since payment is of the same person who has moved earlier before this Hon'ble Court and on her arrear, Hon'ble Court has directed to pay 6 % interest, therefore, the present payment which has been made to the son of the earlier petitioner, interest of 6 % be granted to her son also.

4. Counsel for the Municipal Corporation on the other hand submits that there is no statutory provision for payment of interest on the arrears, therefore, the corporation has denied the same.

5. After hearing the parties, it transpires to this Court that the petitioner's admissible dues at the tune of Rs.5,96,321/- (Five lacs Ninety Six Thousand Three Hundred Twenty one only) has been paid which has been accepted by the petitioner, but it is also true that the Corporation has paid earlier on the arrears of the retiral dues of the petitioner's mother 6 % interest though after direction of the Court.

6. As such, this Court found it appropriate that on the



present amount also, the municipality will pay 6 % interest which shall be calculated from the date on which the mother of the petitioner became entitled to receive the payment.

7. With the aforesaid directions, the present writ application stands disposed off.

(Dr. Anshuman, J.)

Prakashmani/-

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