



W.A(MD)No.1824 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1824 of 2025
and
C.M.P(MD)No.10319 of 2025**

B.Sangeethkumar

... Appellant /
Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Commissioner,
Aravakurchi Panchayat Union Office,
Aravakurchi,
Karur District.

3.The Project Director /
District Rural Development Officer,
Karur,
Karur Division.

4.The Block Development Officer,
Aravakurchi Panchayat Union Office,
Aravakurchi,
Karur District.

... Respondents /
Respondents



W.A(MD)No.1824 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order made in W.P(MD)No.17480 of 2017 dated 06.01.2025 on the file of this Court by allowing the Appeal.

For Appellant : Mr.S.Gokulraj

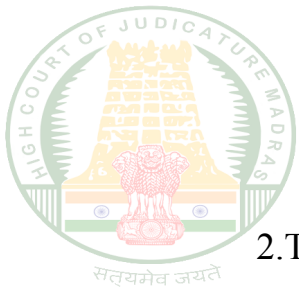
For Respondents : Mr.A.Kannan
Additional Government Pleader

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant was awarded with a contract of laying road by the fourth respondent vide proceedings dated 19.07.2012. As a part of the work order, 500 cements bags were also supplied to the appellant. The case of the respondents is that the employer themselves supplied 500 bags of cement. Since the contract work was not even commenced, the work order was cancelled on 17.01.2013. The claim of the writ petitioner is that even though he called upon the respondents to take back the cement bags, they did not do so. Be that as it may, the fact remains that the 500 cement bags supplied to the writ petitioner were not returned to the respondents.



W.A(MD)No.1824 of 2025

2.The learned counsel for the appellant would contend that only 300 cement bags were supplied, not 500. But then, the acknowledgement reads that 500 cement bags were supplied. It is not open to the appellant to dispute the same at this point of time. The fourth respondent passed an order dated 22.07.2013 calling upon the appellant to forthwith and return the 500 bags. The appellant filed W.P(MD)No.12958 of 2013 and the writ petition was allowed on 04.08.2016 and the order dated 04.07.2013 was set aside on the ground of violation of principles of natural justice. The matter was remanded to the file of the fourth respondent. The fourth respondent by the impugned order directed the writ petitioner to hand over 1000 cement bags. Challenging the same, the appellant herein filed W.P(MD)No.17408 of 2017. The learned single Judge quashed the order for handing over 1000 cements bags.

3.In our view, this was the correct approach. When the appellant was given only 500 cement bags, he can only be called upon to return the same quantity and not more. However, while quashing the said order, the learned single Judge also called upon the appellant to pay simple interest computed in the rate of 9% per annum. Aggrieved by this order of the learned single Judge to pay interest, this Writ Appeal has been filed.



W.A(MD)No.1824 of 2025

4. We are not inclined to interfere for more than one reason. Admittedly, the cement bags was supplied to the appellant way back in the year 2012. Even according to the appellant, the offer to return the same was made only in June 2013. Since the appellant had received it, it is his responsibility to have returned the same to the respondents when once the contract was cancelled. Therefore, simple interest ought to be calculated from the date when the cancellation order was issued. The learned single Judge has passed an equitable order. Interference with the said order is not warranted.

5. This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
08.07.2025

NCC : Yes / No
Internet : Yes / No
Index
MGA

To

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W.A(MD)No.1824 of 2025

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W.A(MD)No.1824 of 2025

G.R.SWAMINATHAN, J

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MGA

W.A(MD)No.1824 of 2025

08.07.2025