



W.P.(MD) No.23594 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2025

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.23594 of 2025

S.Karthikeyan

... Petitioner

-VS-

The Municipal Commissioner,
Municipal Office, Theni,
Theni District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondent to pay the pending amount Rs.6,22,153/- along with interest of 18% per annum for delayed payment, calculated from the date of invoice to the petitioner's society for supply of purchase Abate-temephos, bleaching powder, lime powder, phenoyl and face mask by considering the petitioner's representation dated 01.04.2025 within a time frame fixed by this Court.

For Petitioner : Mr.I.Velpradeep

For Respondent : Mr.L.P.Maurya



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ORDER

The petitioner seeks a writ of mandamus directing the respondent to pay him pending amount of Rs.6,22,153/- along with interest of 18% per annum for delayed payment, calculated from the date of invoice issued to the petitioner, by considering his representation dated 01.04.2025.

2. The short facts are set out below :

2.1 The petitioner's society is the registered society under the Tamil Nadu Co-operative Societies Act, 1983 and it is functioning from 07.02.2013 throughout the State of Tamil Nadu and has 37 members. They are catering to all the official needs to the Tamil Nadu State Government and also, they are running a direct recruitment co-operative society service without quotation and contract as per the guidelines issued by the Tamil Nadu Government Ordinance No.330, Industrial dated 03.05.1991 and this society is exempted from Tamilnadu Transference in Tender Act 1998 and Rules therein.



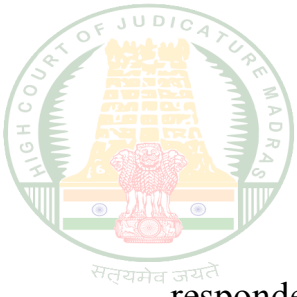
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2.2 The petitioner would submit that the respondent had purchased materials from the petitioner's society vide letter dated 30.01.2022 bearing Na.Ka.No.442/H1/2021. The petitioner's society had also effected the supply to the tune of Rs.6,22,153/- and raised GST invoice vide 5 difference invoices, which have been enclosed in the typed set of papers. As per the invoices, the respondent has to pay a sum of Rs.6,22,153/- for the above materials and they are liable to pay interest at 18% per annum for the delayed payment. But, the respondent has failed to settle the above payments and despite several requests, they have not responded to the same. Thereafter, the petitioner sent representation dated 01.04.2025, but the same has not been considered so far. Hence, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. The records reveal that the period between 2018 and 2020, 5 invoice supplies have been effected to the respondent, for which, the payment has not been effected. In fact, to the representation dated 01.04.2025 and the legal notice dated 03.05.2025, there is no response on the side of the respondent. The



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respondent having purchased the materials of the petitioner, which is co-operative society, has failed to clear its outstanding dues and has also not responded to the representation made by the petitioner. This amounts to a clear failure on the part of the respondent to fulfil the obligations expected of a public authority. Therefore, this Writ Petition is **allowed** and the respondent is directed to consider the representation of the petitioner dated 01.04.2025 and pass orders within a month from the date of receipt of a copy of this order. In case, the respondent on perusing the accounts comes to the conclusion that amounts are payable to the petitioner, the same would be disbursed within two weeks therefrom. No costs.

02.09.2025

NCC : Yes/No
Index : Yes/No
Rmk

To
The Municipal Commissioner,
Municipal Office, Theni,
Theni District.



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P.T.ASHA, J.

Rmk

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