

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 21324 of 2015 (M)

PETITIONER(S):

**ANIMON H.,
PULIMOOTTIL THEKKETHIL, KAYAMKULAM.**

**BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SRI.MANU SEBASTIAN
SMT.PARVATHY NAIR**

RESPONDENT(S):

- 1. KAYAMKULAM MUNICIPALITY,
KAYAMKULAM, REPRESENTED BY SECRETARY - 690 502.**
- 2. MUNICIPAL CHAIRPERSON,
KAYAMKULAM MUNICIPALITY, KAYAMKULAM - 690 502.**
- 3. SECRETARY,
KAYAMKULAM MUNICIPALITY, KAYAMKULAM - 690 502.**

BY ADV. SRI.RAYA SHENOI, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 21324 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: A TRUE COPY OF NOTICE NO.A4/12237/14 DATED 10/02/2015 ISSUED BY THE
3RD RESPONDENT.**

**P2: A TRUE COPY OF NOTICE NO.R4-12237/2014 DATED 4/3/2015 BY THE
3RD RESPONDENT.**

**P3: A TRUE COPY OF RECEIPT DATED 17/03/2015 EVIDENCING DEPOSIT OF HALF OF
BID AMOUNT.**

**P4: A TRUE COPY OF REPRESENTATION DATED 2/4/2015 MADE BY THE PETITIONER
TO THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.21324 of 2015

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Dated this the 22nd day of July, 2015

JUDGMENT

The petitioner has approached this Court aggrieved by the non-consideration of Ext.P4 representation seeking return of deposit made in auction.

2. The petitioner had participated in the auction for vending rights in the vegetable market of the respondent municipality. Though the petitioner had won the bid, he could not make the requisite deposit within the stipulated time. Therefore, the bid was cancelled and re-auction was done. The wife of the petitioner won the bid in re-auction for a higher amount. Therefore, the petitioner made Ext.P4 representation seeking return of the earnest money of ₹ 75,000/- deposited in the first auction after deduction of expenses incurred in the re-auction.

3. Arguments have been heard.

4. Opposing the petition, the learned standing counsel for the respondent municipality would submit that though the petitioner was the highest bidder, he defaulted in complying with the conditions in the notification and, therefore, as per the conditions, the respondent municipality is entitled to forfeit the earnest money.

As disputed questions of facts are involved, this writ petition is disposed of permitting the petitioner to approach a competent civil forum for the redressal of his grievance.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj