

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.18975 of 2016

and

W.M.P.No.16539 of 2016

B.Dayalarajan

...Petitioner

Vs.

1. Union of India,
Union Territory of Puducherry
rep. by the Special Secretary (Revenue) Cum Collector,
Puducherry.
2. The Sub/Deputy Collector (Revenue) North,
Office of the Deputy Collector (Revenue) North,
Puducherry.
3. The Sub/Deputy Collector (Revenue) South,
Office of the Deputy Collector (Revenue) South,
Villianur, Puducherry - 605 010.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to comply with Rule 50 of the Pondicherry Minor Minerals (Concession) Rules, 1977 and refund the Security Deposit Amount of Rs.3,63,000/- along with interest at 12% per annum from 01.01.2001 and return the original sale deed, dated 09.02.1998, (registered as Doc. No.504/1998) given by the petitioner as collateral security to the petitioner within the time, that may be stipulated by this Court.

For Petitioner : Mr.T.M.Naveen

For Respondents : Mr.C.T.Ramesh,
Additional Government Pleader
assisted by Mr.A.Tamil Vanan
Government Advocate (Puducherry)

O R D E R

The petitioner has filed this Writ Petition, praying for issuance of a Writ of Mandamus, directing the respondents to comply with Rule 50 of the Pondicherry Minor Minerals (Concession) Rules, 1977, and to refund the Security Deposit Amount of Rs.3,63,000/-,

along with interest at 12% per annum from 01.01.2001, and also to return the original sale deed, dated 09.02.1998, given by him as collateral security

2. Heard Mr.T.M.Naveen, learned counsel appearing for the petitioner.

3. On the last occasion also, when the case was taken up for disposal, learned Additional Government Pleader for respondents sought time to get instructions in the matter on the ground that, on account of the bifurcation of the Offices of respondents 2 and 3, original records are not traceable.

4. The respondents have not clearly stated, as to whether the petitioner is entitled to the refund or not. A faint plea has been raised by them, stating that the claim is belated. This is controverted by the learned counsel appearing for the petitioner, by stating that, in spite of the claims for refund have been made at the appropriate stage, the Authority did not take any action. It is further submitted by the learned counsel appearing for the petitioner that the sale deeds, pertaining to the petitioner's properties are retained by the respondents. However, the learned Additional Government Pleader for respondents does not have any instructions on this issue.

5. Be that as it may, the petitioner is entitled to know the fate of his application for refund. Therefore, necessarily, the Authorities have to pass a speaking order, and communicate the same to the petitioner.

6. Accordingly, there will be a direction to the first respondent to consider the petitioner's application, dated 26.03.2015, and pass a speaking order, and communicate the same to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Special Secretary (Revenue) Cum Collector,
Union of India,
Union Territory of Puducherry
Puducherry.

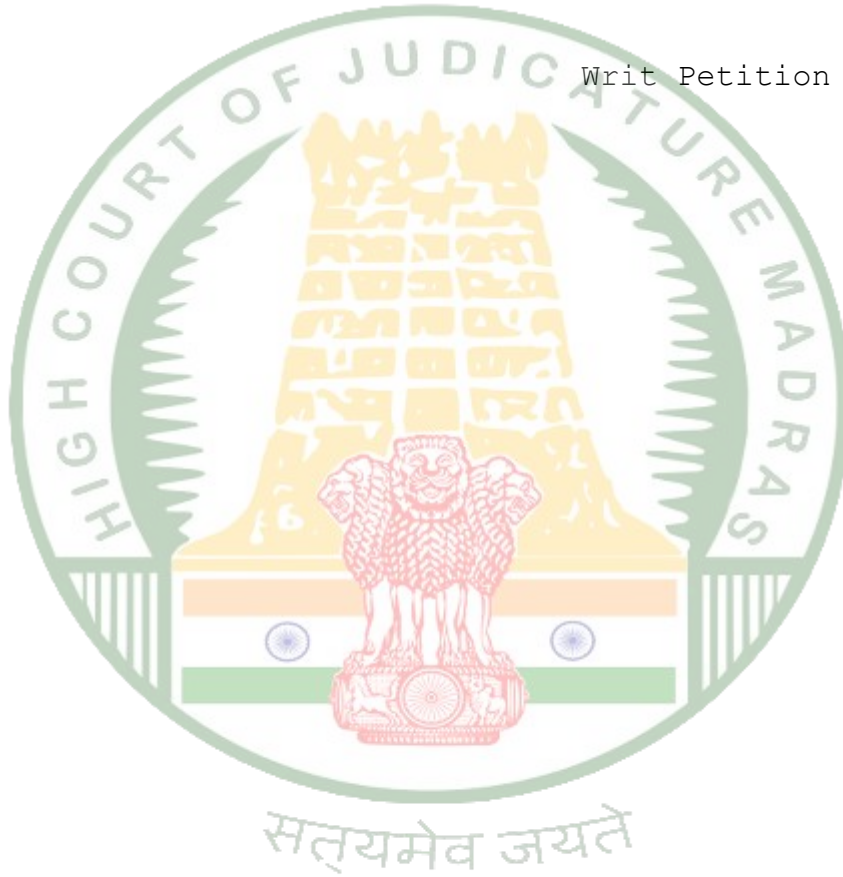
2. The Sub/Deputy Collector (Revenue) North,
Office of the Deputy Collector (Revenue) North,
Puducherry.
3. The Sub/Deputy Collector (Revenue) South,
Office of the Deputy Collector (Revenue) South,
Villianur, Puducherry - 605 010.

+1 cc to Govt.Pleader, Sr.36534

+1 cc to Mr.K.P.Jotheeswaran, Advocate,SR.37140

nrjk(co)
krd 20/7

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