

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.40725 to 40737 of 2015
& M.P.No.1 of 2015

A.Palanimuthu	..Petitioner in W.P.No.40725 of 2015
M.S. Vishwanathan	..Petitioner in W.P.No.40726 of 2015
K. Mariappan	..Petitioner in W.P.No.40727 of 2015
P. Saravanan	..Petitioner in W.P.No.40728 of 2015
C. Shanmugam	..Petitioner in W.P.No.40729 of 2015
K. Jabithikhan	..Petitioner in W.P.No.40730 of 2015
C. Suresh	..Petitioner in W.P.No.40731 of 2015
S. Mariappan	..Petitioner in W.P.No.40732 of 2015
A. Jayaraman	..Petitioner in W.P.No.40733 of 2015
R.Prabu	..Petitioner in W.P.No.40734 of 2015
C. Annadurai	..Petitioner in W.P.No.40735 of 2015
P. Ravikumar	..Petitioner in W.P.No.40736 of 2015
P. Muniappan	..Petitioner in W.P.No.40737 of 2015

Vs.

The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
No.2/92, Santhiyur Village,
S.Attiyampatti Post,
Salem-636 203.

... Respondent in all WPs.

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus to call for the records of order passed by the respondent in Na.Ka.No.1333/A5/2015/C.V. dated 27.11.2015, quash the same and consequently direct the respondents herein to refund the petitioner's security deposit sum of Rs.33,246/- (Rupees Thirty Three Thousand Two Hundred and Forty Six Only)

Rs. 1,02,604/- (Rupees one lakh two thousand six hundred and four only) in WP.40726/15 within a stipulated time.

Rs.63,548/- (Rupees Sixty Three thousand five hundred and forty eight only)

Rs.1,05,880/- (Rupees one lakh five thousand eight hundred and eighty only)

Rs.42,028/- (Rupees forty two thousand and twenty eight only)

Rw.39,526/- (Rupees Thirty nine thousand five hundred and twenty six only)

Rs.73,876/- (Rupees seventy three thousand eight hundred and seventy six only)

Rs.83,725/- (Rupees eighty three thousand seven hundred and twenty five only)

Rs. 33,509/- (Rupees thirty three thousand five hundred and nine only)

Rs.59,383/- (Rupees fifty nine thousand three hundred and eighty three only)

Rw.60,824/- (Rupees sixth thousand eighty hundred and twenty four only)

Rs.60,318/- (Rupees sixty thousand three hundred and eighteen only)

Rs. 38,631/- (Rupees thirty Eight thousand six hundred and thirty only) respectively within a stipulated time.

For Petitioners : M/s.D.Saraswathi
For Respondent : Mr.B. Nedunchezhan (TASMAC)

COMMON ORDER

The Petitioners have filed these writ petitions challenging the impugned orders dated 27.11.2015 passed by the respondent and consequently seeking a direction to the respondent to accept the security deposit amounts that had already been deposited by the petitioners within the time limit framed by this Court.

2. Heard M/s.D.Saraswathi, learned counsel appearing for the petitioners and Mr.B. Nedunchezhan, learned Standing counsel appearing for the respondent/ TASMAC.

3. It is the case of the petitioners that for the purpose of running bars attached to the TASMAC shops, the respondent called for tenders. Accordingly, the petitioners participated

in the same and were declared as successful bidders. Subsequently, on payment of security deposits fixed by the respondent and one month rental amount in advance, they were granted licence for the period 2014-2015.

4. It is the further case of the petitioners that after expiry of the licence period, they did not participate in the subsequent year tender.

5. While so, the respondent issued an order dated 27.11.2015 stating that as per notice from the respondent, the amounts fixed as upset price for the respective shops were wrongly calculated and after forfeiting the amounts that had already been deposited as security deposits by the respective petitioners for respective shops, the petitioners were asked to remit the remaining balance amounts within seven days from the date of receipt of notice, failing which, further action would be initiated against them. Aggrieved against the same, the petitioners have filed the present Writ petitions.

6. Learned counsel appearing for the petitioners submitted that the respondent never issued any show cause notice, nor communicated the notice received from the respondent dated 26.11.2015 to the petitioners before passing the impugned order. He further submitted that the respondent has forfeited the security deposits already paid by the petitioners without issuing any notices. Hence, the impugned orders are arbitrary, illegal and against the principles of natural justice.

7. On the other hand, learned Standing Counsel appearing for the TASMAT submitted that due to variations in the upset price deposits with that of the security deposits, the recovery was sought to be made by the respondent. However the learned Standing Counsel, on instructions from the Department submitted that the respondent is now inclined to furnish the details or calculations pertaining to fixation of present upset prices to the petitioners.

8. In view of the above, the impugned orders passed by the respondent are set aside and the matters are remanded back to the respondent for passing fresh orders. The respondent is directed to furnish all the details pertaining to the calculations of fixation of upset price to the petitioners within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioners shall file their objections, if any, and on filing of such objections, the respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after providing due opportunity of personal hearing to the petitioners, within a period of six weeks thereafter.

9. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dn/msr

To

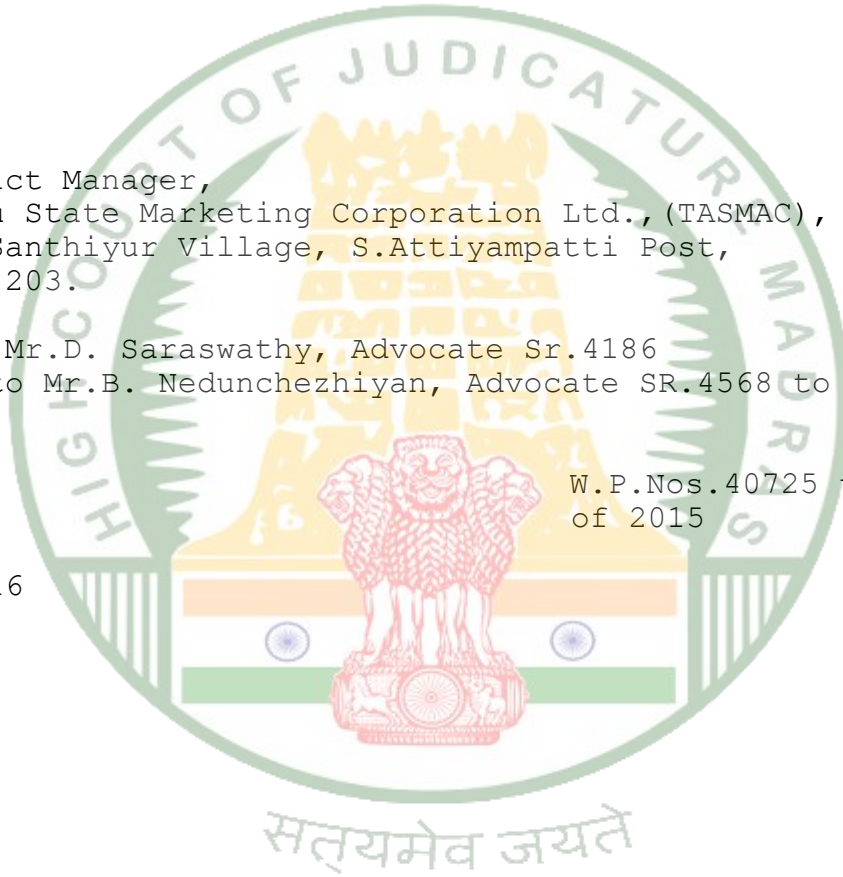
The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
No.2/92, Santhiyur Village, S.Attiyampatti Post,
Salem-636 203.

+ 1 cc to Mr.D. Saraswathy, Advocate Sr.4186

+ 13 ccs to Mr.B. Nedunchezhiyan, Advocate SR.4568 to 77 4581 to 4583

W.P.Nos.40725 to 40737
of 2015

KJI (CO)
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