

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.3569 of 2016

and

WMP No.2936 of 2016

M.Pandithurai

... Petitioner

vs

1. The Managing Director
Tamil Nadu Civil Supplies Corporation
Limited, 42, Thambu Swamy Salai
Kilpauk, Chennai 600 010.

2. The Regional Manager
Tamil Nadu Civil Supplies
Corporation Limited,
Dharmapuri Region
Dharmapuri.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to refund the sum of Rs.1,50,000/- deposited by the petitioner to the credit of CR No.2677 dated 02.04.2007 with interest at 12% per annum from 01.08.2008 till the date of payment.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to refund the sum of Rs.1,50,000/- deposited by the petitioner to the credit of CR.No.2677 dated 02.04.2007 with interest at 12% per annum from 01.08.2008 till the date of payment.

2. The case of the petitioner is that he was appointed as a hulling agent of Tamil Nadu Civil Supplies Corporation Limited, Dharmapuri Region under Decentralised procurement system with effect from 04.04.2007 for hulling raw rice. In

this regard, the petitioner deposited a sum of Rs.1,50,000/- as a security deposit and the same still lying with the first respondent. It is the further case of the petitioner that a time limit was fixed for fulfilling the contract and since the petitioner could not comply with the same, his hulling agency has been cancelled. Thereafter, the petitioner sent several representations for re-appointing him as a hulling agent. Since there was no response, the petitioner made representation to the second respondent through RTI on 12.09.2015 and also an appeal dated 24.11.2015. However, the second respondent vide his letter dated 13.08.2015 has communicated that only after reconciliation of the accounts, his amount would be refunded. He had also made yet another representation to the first respondent dated 07.01.2016 seeking refund of his deposit amount. But till date, there was no reply. According to the petitioner, he has been ailing for the past three years and therefore, he needs money for taking treatment. Accordingly, he would pray for return of his deposit amount by considering his representation. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader, who took notice on behalf of the respondents, would submit that if sufficient time is granted by this Court, the petitioner's representation would be considered.

4. Considering the facts and circumstances of the case and also the nature of relief sought for in this writ petition, the petitioner is directed to submit a fresh copy of the representation dated 07.01.2016 to the first respondent along with a copy of this order, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same for refund of the security deposit amount of Rs.1,50,000/- lying with the first respondent in CR.No.2677 and pass appropriate orders on merits and in accordance with law, within a period of three weeks, thereafter.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected WMP.No.2936 of 2016 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vj2

To

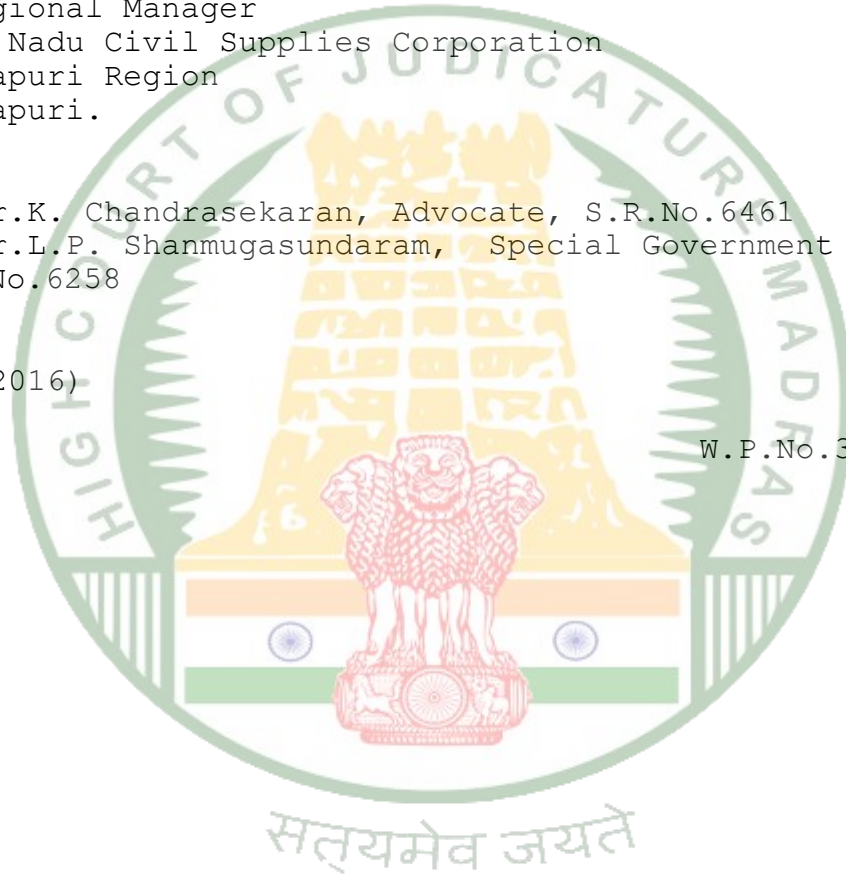
1. The Managing Director
Tamil Nadu Civil Supplies Corporation
Limited, 42, Thambu Swamy Salai
Kilpauk, Chennai 600 010.

2. The Regional Manager
Tamil Nadu Civil Supplies Corporation
Dharmapuri Region
Dharmapuri.

+1cc to Mr.K. Chandrasekaran, Advocate, S.R.No.6461
+1cc to Mr.L.P. Shanmugasundaram, Special Government
S.R.No.6258

KK(CO)
EU(12/02/2016)

W.P.No.3569 of 2016



WEB COPY