



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.12.2016
CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

W.P(MD)No.1614 of 2015
and
M.P(MD)No.1 of 2015

S.Prakash

... Petitioner

Vs.

1.The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli - 620 001.

2.The Assistant Commissioner,
Srirengam Zone,
Tiruchirapalli - 620 006.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to return the advance amount deposited by the petitioner for the tender dated 28.12.2012 by considering the petitioner's representation dated 03.01.2015.

For Petitioner : Mr.G.S.Asok Adhithyan
For Respondents : Mr.N.S.Karthikeyan

O R D E R

The petitioner seeks for a direction to the respondents to return the advance amount deposited by the petitioner by considering his representation dated 03.01.2015.

2. The grievance of the petitioner is that even though the agreement entered between himself and the respondents came to an end in respect of running toilet and that he has paid the lease amount for the period 2013-2014 and 2014-2015, the respondents have not refunded the advance amount paid by him. Therefore, he made the representation dated 03.01.2015 and seeks for its disposal.

3. A counter affidavit is filed by the respondents, wherein it is stated that the petitioner did not pay the third year lease amount of Rs.11,57,625/- and that he breached the terms of the contract and consequently, as per the instructions



contained in the lease general conditions, the EMD amount was forfeited. When that being the case of the respondents, it is for the petitioner to challenge such forfeiture in a manner known to law, if at all the petitioner has any case on merits against such forfeiture. Without doing so, filing the present writ petition, that too, for seeking Mandamus is not proper course of action.

3. Accordingly, this writ petition is dismissed, however, with liberty to the petitioner to challenge the forfeiture in a manner known to law, if at all the petitioner is having any merit against such forfeiture. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli - 620 001.

2.The Assistant Commissioner,
Srirengam Zone,
Tiruchirapalli - 620 006.

+1cc to Mr.G.S.Asok Adhithyan,Advocate Sr.No. 79952

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