



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.8806 of 2015

WEB COPY

Jegan Arul

... Petitioner

Vs.

The District Manager TASMAL,
TASMAL Limited,
Thoothukudi.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to refund the caution deposit Rs.2,72,800/- paid by the petitioner for the TASMAL Shop No.10084, Tuticorin District.

For Petitioner : Mr.N.Anandakumar

For Respondent : Mr.M.Muniyasamy

O R D E R

The Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondent to refund the caution deposit Rs.2,72,800/- paid by the petitioner for the TASMAL Shop No.10084, Tuticorin District.

2. The petitioner would among other things aver that he had deposited a sum of Rs.2,72,800/- towards caution deposit and a sum of Rs.2,72,800/- towards two months advance amount to the respondent and the tender confirmation order was passed in favour of the petitioner. The petitioner further states that he ran the bar up to the end of 31.03.2014 without any adverse remark and due to his illness, he was not able to run the bar and he had informed the same to the respondent and there was no arrears as on date and the caution deposit of Rs.2,72,800/- is still vested with the respondent. Hence, the petitioner has come forward to file this writ petition seeking to refund the caution deposit of Rs.2,72,800/-.

3. The learned Standing counsel appearing for the respondent would submit that as per the Tender Condition No.22(a), if the licensee himself closed the bar cannot get return the deposit amount and the petitioner has also accepted the same and signed in the form at the time of issuing the license and therefore, they are not in a position to return the amount.



considered by the respondent. The learned counsel for the petitioner also submitted that he has sent a representation with regard to the above issue on 29.01.2015 and the same may be disposed of by the respondent within the time frame.

5. Though the petitioner has sought for a larger relief, he has submitted that it is suffice to direct the respondent to consider his representation dated 29.01.2015. Therefore, the respondent is directed to dispose of the representation of the petitioner, dated 29.01.2015, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To
The District Manager TASMAL,
TASMAL Limited,
Thoothukudi.

+1cc to Mr.N.Anandakumar,Advocate,SR.61124

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