



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.03.2017

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.4613 of 2017

P.Senthil Kumar

..Petitioner

Vs

The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai - 625 002.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the Petitioner's representation dated 25.2.2017 and to direct the respondent to issue the deposit amount of Rs.8,50,000/- which was deposited by the Petitioner in the name and style of P.Senthil Kumar, Fifth Class Contractor in the Petitioner's Contract Licence No.Ma.Po.4/23020/14 in registration No.178 for the public work for the period from 2009 to 2016

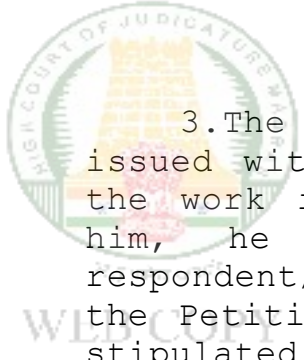
For Petitioner :M/s.G.Anbu Saravanan

For Respondent :Mr.Prabhu Ramachandran

ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondent to consider the Petitioner's representation, dated 25.2.2017 and to direct the respondent to issue the deposited amount of Rs.8,50,000/- which was deposited by the Petitioner in the name and style of P.Senthil Kumar, Fifth Class Contractor in the Petitioner's Contract Licence No.Ma.Po.4/23020/14 in registration No.178 for the public work for the period from 2009 to 2016.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



3.The Petitioner is the Fifth Class Contractor and has been issued with licence by the competent authority for carrying out the work in respect of the respondent/Corporation. According to him, he had executed several contractual work for the respondent/Corporation from the year 2009 to 2016. According to the Petitioner, he had completed nearly 68 projects within the stipulated time and in respect of which, he has deposited a sum of Rs.8,50,000/-.The details of the work executed and completed by the Petitioner has been stated in the Tabular Column given in the affidavit filed in support of the Petition. According to the Petitioner, he has submitted representation to return the deposited amount of Rs.8,50,000/-. But that representation has not evoked any response from the respondent/Corporation. Therefore recently, the Petitioner sent another representation, dated 25.2.2017 along with details of work carried out and executed by him and requested for refund of the deposited amount. The petitioner also submits that he had appeared before the Commissioner, Madurai Corporation and explained about his claim. But still his grievance has not been redressed by the respondent-Corporation. Therefore he has approached this Court for issuance of a Writ of Mandamus for the relief stated supra.

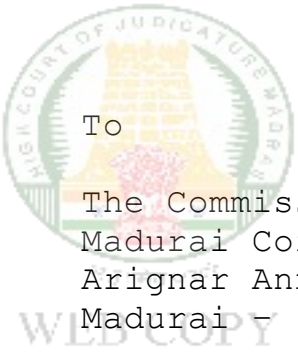
4.Mr.Prabhu Ramachandran, learned counsel appearing for the respondent/Corporation has submitted that he has no objection to consider the representation of the Petitioner by the authorities concerned, within the time limit specified by this Court.

5.Having considered the limited scope of the prayer sought for in the Writ Petition and without going into the merits of the claim made by the Petitioner and that the learned Additional Government Pleader appearing for the respondent/Corporation has no objection to consider the representation of the petitioner, the Writ Petition is disposed of, with a direction to the respondent/Corporation to take a decision on the representation said to have been submitted by the Petitioner on 25.2.2017 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order. The decision taken thereon is to be communicated to the Petitioner forthwith. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To

The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai - 625 002.

+1cc to Mr.R.Prabhu Ramachandran, Advocate Sr.No.18069
+1cc to Mr.G.Anbu Saravanan, Advocate Sr.No.18636

VSN

VB/JC/SAR3/12.04.2017/3P/4C

W.P (MD) No.4613 of 2017
27.03.2017