



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P. (MD) No. 7340 of 2017

and

WMP (MD) No. 5765 of 2017

K.Chidambaram

.. Petitioner

-Vs-

1.The Additional Director,
Office of the Additional Director of Panchayat
Administration,
Dindigul District Collectorate Office Buildings,
Dindigul.

2.The Executive Officer,
Bathalakundu Town Panchayat,
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to refund the Deposit Money of Rs.2,94,572/- deposited by the petitioner for shop No.60 of the 2nd respondent Bathlakundu Bus Stand Shop.

For Petitioners

: Mr.K.R.Laxman

For Respondents

: Mr.D.Muruganandham

Additional Government Pleader

O R D E R

The writ petition has been filed to direct the the 2nd respondent to refund the Deposit Money of Rs.2,94,572/-, which was deposited by the petitioner for the shop No.60 of the 2nd respondent located in Bathlakundu Bus Stand.

2.The case of the petitioner is that the 2nd respondent conducted auction to let out several shops located at Batlakundu Bus Stand, by issuing a notification, dated 29.01.2016. The petitioner deposited Rs.50,000/- to participate in the auction and subsequently, he was declared as successful bidder for the shop No.60 and he has to pay the monthly rent of Rs.17,800/-, as per the condition of the notification. The petitioner had deposited Rs.2,94,572/- along with 14.5 % service tax. However, possession of the shop was not handed over to the petitioner due to the pendency of W.P. (MD) No.5180 of 2016.



3.The petitioner would state that he planned to open the shop in the of January 2016. Since he was not able to occupy and use the shop in the month of February, 2016, he incurred huge loss and therefore, he made representations to the respondents for refund of the deposit amount. Since, it was not considered, the present writ petition has been filed.

4.Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner and Mr.D.Muruganandham, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5.It is not in dispute that the petitioner was the successful bidder in the auction conducted by the 2nd respondents, pursuant to the notification, dated 29.01.2016 and he has also deposited a sum of Rs.2,44,572/-. It is also not in dispute that in W.P.(MD) No.5180 of 2016, this court has granted interim stay, which was eventually disposed of, on 04.10.2016 i.e., after a lapse of 8 months of lease period. In view of the interim order granted by this court, the respondents were not able to permit the petitioner to occupy the shop.

6.Considering the above facts, this writ petition is disposed of with a direction to the respondents to consider the representations of the petitioner, dated 15.11.2016 and 30.11.2016 and refund the amount, which was deposited by the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of the order copy. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To,

- 1.The Additional Director,
Office of the Additional Director of Panchayat
Administration,
Dindigul District Collectorate Office Buildings, Dindigul.
- 2.The Executive Officer, Bathalakundu Town Panchayat,
Dindigul District.

Copy to:- The Additional Government Pleader,
Madurai Bench of Madras High Court, Madurai.SR.No.61476
+One cc to Mr.K.R.Laxman, Advocate, SR.No.61550
er