



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2018

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.12618 of 2018

B.Rajesh Kanna

... Petitioner

-Vs-

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The Assistant Commissioner (Accounts),
Madurai Corporation,
Madurai.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to register petitioner's representation dated 17.01.2018 and to pay the additional security deposit and term deposit which was deducted by the respondents for the works done by the petitioner's father and pass order within the time that may be stipulated by this Court.

For Petitioner : Mr.G.Raghul

For Respondents : Mr.J.Gunaseelan Muthaiah
Additional Government Pleader

ORDER

Mr.J.Gunaseelan Muthaiah, Additional Government Pleader, takes notice on behalf of the respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner's father is a class I contractor under the respondent Madurai Corporation from the year 1990. He has done many contract works. In the course of doing contracts, he has deposited money towards security. It is a usual practice that the said amount will be refunded after completion of the audit report. For the contract works completed from the year 2003, refunds are yet to be made. Now, the petitioner's father had expired and the sum sought



to be refunded. In respect of the representation made by the petitioner dated 17.01.2018, the respondents have not taken steps to disburse the deposits lying with them to the petitioner.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. Considering the limited prayer sought for in this writ petition, without going into the merits of the case, a direction is issued to the respondents to consider the representation of the petitioner dated 17.01.2018, on merits and in accordance with law, and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner and any other persons who may be interested in the subject matter.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.G.Raghul , Advocate in SR No. 68124
+ 1 cc TO Mr.J.Gunaseelanmuthiah , Advocate in SR No. 68099

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AE/SKN RSK/SAR3/19.06.2018/2P/3C

Order made in
W.P. (MD) No.12618 of 2018
13.06.2018