

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 18155 of 2019

Aswini Traders

... Petitioner

-vs-

1. The Director of Census Operation,
Rajaji Bhawan, E-Wing, III Floor,
Besant Nagar, Chennai - 90.

2. The Regional Manager MSTC Limited,
Southern Regional Office,
Kodambakkam High Road,
Chennai - 34.

... Respondents

Prayer :- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, directing the First Respondent to return the deposit amount of Rs.2,00,000/- (Rupees Two Lakhs Only) deposited by the Petitioner or to adjust the above amount in the present tender dated 13.06.2019 and to permit the Petitioner to make the payment for 25 metric tonnes in advance instead of 100 metric tonnes.

For Petitioner : Mr. G. Ilamurugu

For Respondents: Mr. J. Madhanagopal Rao for R1
Central Government Standing Counsel

O R D E R

Mr. J. Madhanagopal Rao, Learned Central Government Standing Counsel takes notice for the Respondents. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.

2. The Writ Petition has been filed for directing the First Respondent to return the sum of Rs.2,00,000/- deposited by the Petitioner or to adjust the said amount in the subsequent tender dated 13.06.2019 and permit the Petitioner to make payment for 25 metric tonnes in advance instead of 100 metric tonnes.

3. In respect of the first claim made by the Petitioner for refund of Rs.2,00,000/-, it is represented by Learned Central Government Standing Counsel appearing for the

Respondents that the Respondents do not have any objection to refund the security deposit or for adjusting the said amount as credit for payment to be made for the sale order dated 27.06.2019 and the said statement is recorded. However, in respect of other claim made to permit the Petitioner to make payment for 25 metric tonnes in advance instead of 100 metric tonnes, it is represented by the Learned Central Government Standing Counsel appearing for the Respondents that the Petitioner may make a representation in that regard, which shall be considered by the concerned authority on merits and in accordance with law.

4. Learned Counsel for the Petitioner submits that the Petitioner shall make such representation to the concerned authority and seeks permission of this Court to withdraw the Writ Petition with liberty to make such representation to the concerned authority and has made an endorsement to that effect.

5. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty to the Petitioner to make representation to the concerned authority as aforesaid, and if made, the same shall be expeditiously disposed by the concerned authority on merits and in accordance with law. It is needless to add here that no view has been expressed by this Court on the entitlement or correctness of the claim made by the Petitioner in this regard. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Director of Census Operation,
Rajaji Bhawan, E-Wing, III Floor,
Besant Nagar, Chennai - 90.

2. The Regional Manager MSTC Limited,
Southern Regional Office,
Kodambakkam High Road,
Chennai - 34.

+1cc to Mr.Illamurugu, Advocate, S.R.No. 54112

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MG(CO)
GN(17/07/2019)