

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.23797 & 23798 of 2017

R.Sathyadass ..Petitioner in both W.Ps

1.The Principal Chief Conservator of Forest  
and Head of Forest Force,  
Panagal Buildings, Saidapet,  
Chennai-600 015  
...1<sup>st</sup> respondent in both the Writ Petitions

2.The District Forest Officer,  
District Forest Office,  
South Division,  
Udhagamandalam,  
Nilgiris District.  
...2<sup>nd</sup> Respondent in  
W.P.No. 23797 of 2017

3.The District Forest officer,  
District Forest office,North Division,  
Udhagamandalam ,The Nilgiris District.  
...2<sup>nd</sup> Respondent in W.P.No. 33798  
of 2017

Common Prayer: These Writ Petitions have been filed under Article 226 of the Constitution of India, seeking issuance of a writ of Mandamus to direct the respondent to refund 2.5% and 5% of the security deposits to the petitioner for the work carried out by him in South Division and North Division in Udhagamandalam, Nilgiris District from 1996 to 2012 and 1998 to 2011 with 18% interest for the delayed payment and to grant such other further relief as this Court.

For Petitioner in both W.Ps : M/s.T.Dharani

For Respondents in both W.Ps:

Mr.Thangavadhana Balakrishnan  
Additional Government Pleader

COMMON ORDER

Heard M/s.T.Dharani learned counsel appearing for the petitioner, M/s.Thangavadhana Balakrishnan learned Additional Government Pleader for the respondents and perused the materials available on record.

2.The petitioner has come forward with the Writ Petitions for issuance of Writ of Mandamus directing the respondents to refund 2.5% and 5% of the security deposits to the petitioner for the work carried out by him in South Division and North Division in Udhagamandal, Nilgiris District from 1996 to 2012 and 1998 to 2011 with interest of 18%.

3.The case of the petitioner is that he is an approved registered contractor in the State of Tamil nadu and he has undertaken forest works assigned by the forest Department and had executed the work to their satisfaction. The petitioner would state that at the time of allotment of work, he has made security deposit i.e., 2.5% and 5% of the earnest money deposit of the estimated value and that amount has to be returned, after completion of the work. The grievance expressed by the petitioner is that despite several request made to the respondents, the amount was not refunded.

4.The learned Additional Government Pleader for the respondents would state that in respect of the South zone the 2<sup>nd</sup> respondents have already recommended for refund of the amount and it is now pending with the first respondent and in respect of North Division the second respondent is yet to take a decision on the representation of the petitioner.

5.Taking note of the above facts and the submissions of the learned counsel for both sides, this Court directs the respondents to refund the security deposit along with 9% interest made by the petitioner for the works carried out from 1996 to 2011 within a period of three months.

6.With the above direction, these Writ petitions stand disposed of. No Costs.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Ivsn

To

1.The Principal Chief Conservator of Forest  
and Head of Forest Force,  
Panagal Buildings, Saidapet,  
Chennai-600 015

2.The District Forest Officer,  
District Forest Office,  
South Division,  
Udhagamandalam,  
Nilgiris District.

3.The District Forest officer,  
District Forest office, North Division,  
Udhagamandalam ,The Nilgiris District.

+1cc to Mr.T.Dharani , Advocate SR.No. 70779

+1 cc to Spl Government Pleader Sr.No. 70908

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A.SK(27/09/2019)



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