



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.26713 of 2019

M.Hepsibai

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Ezhilagam, Chepack,
Chennai - 600 005.

2.The Regional Director,
Municipal Administration,
Tiruchendur Road,
Tirunelveli.

3.The Commissioner of Municipality,
Nagercoil Municipality,
Nagercoil,
Kanniyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents to consider the Petitioner's representation and direct the third respondent to provide Rs.3,79,964/- (Three lakhs seventy Nine thousand and nine hundred and sixty four) + Rs.11,44,685/- and Rs.1,77,822/- to the petitioner with accrued interest for the deposit amount earnest money with security deposit, additional deposit and contract works in various contract work done by the Petitioner for the third respondent Municipality.

For Petitioner : Mr.S.,Balaji
For Respondents : Mr.M.Murugan,
1 and 2 Government Advocate

For Respondent-3 :Mr.Aathimoolapandian
Standing Counsel.

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents to consider the Petitioner's representation and direct the third respondent to provide Rs.3,79,964/- (Three lakhs seventy Nine thousand and nine hundred and sixty four) + Rs.11,44,685/- and Rs.1,77,822/- to the petitioner with accrued interest for deposit amount, earnest money with security deposit, additional deposit and contract



works in various contract work done by the Petitioner for the third respondent Municipality.

2.Mr.M.Murugan, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.Aathimoolapandian, learned Standing Counsel takes notice for the third respondent/Nagercoil Municipality.

3.By consent of parties, the main Writ Petition is taken up for final disposal.

4.The case of the petitioner is that he is a Government Class-II Contractor, having experience for more than ten years and he has done various contract works in Nagercoil Municipality and for the same, he has deposited Earnest Money Deposit and Security Deposit and the same is refundable within a period of six months from the date of completion of building works and 12 months from the date of completion of road works. Since the same has not been refunded to him, the petitioner has submitted several representations and the last one is dated 30.8.2019. The same is said to be still pending. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5.Though the learned counsel for the Petitioner sought for a larger relief, at the time of hearing, he would submit that it would suffice if the representation submitted by the Petitioner is considered and disposed of within the time limit prescribed by this Court.

6.In view of the above said submission, without expressing any opinion on the merits of the claim made by the petitioner, the third respondent is directed to consider the representation of the petitioner, dated 30.8.2019 and pass appropriate orders on the same, on merits and in accordance with law, after giving due opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

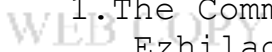
7.With the above direction, the Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

- +1 CC to MR.S.BALAJI, Advocate (SR-105503[F] dated 18/12/2019)

_KM/ (31.12.2019) 3P 6C