



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.7340 of 2020

K.Parameswaran

... Petitioner

Vs

The District Forest Officer,
District Forest Office,
Tuticorin.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to extend the time limit fixed by the respondent in his proceedings in Se.Mu.Aanai No.Ku.5272/2019, dated 09-04-2020 for the period of more than another one month for gathering and selling the cashew nuts at Kanam Unit, Tiruchendur Forest Range, Tuticorin District, based on the petitioner's representation dated 26-06-2020.

For Petitioner : Mr.R.Jegadeeswaran

For Respondent : Mr.S.Angappan
Government Advocate

ORDER

Heard the learned counsel on either side. I also had the benefit of hearing the petitioner as well as Thiru. Marimuthu, District Forest Officer, holding additional charge of Tuticorin District through Video Conferencing.

2.The petitioner was the successful bidder and he was given license to pluck the cashew nuts. However, the tender period was due to expire on 30.06.2020 itself. This Writ Petition has been filed for granting extension of time by one more month for gathering cashew nuts at Kanam Unit, Tiruchendur Forest Range, Tuticorin District. The petitioner had given a representation in this regard on 26.06.2020.



3.Today when the matter was taken up for hearing, the District Forest Officer pointed out that the petitioner had given a letter on 01.07.2020, in which, the petitioner had admitted that he had already gathered all the cashew nuts and he only wants back the security deposit made by him.

4.I posed a specific question to the petitioner as regards the said letter dated 01.07.2020 given by him. The petitioner does not dispute his signature found in the said letter. But he claims that he was pressurized by the Forest Officer to sign in the said letter. But in the writ affidavit there is no pleading in this regard. The petitioner states that he was not in a position to mobilize men for effectively plucking the cashew nuts. He refers to the current pandemic situation in support of his claim. As rightly pointed out by Mr.Marimuthu, the auction itself was held only on 03.04.2020 pursuant to the auction notice dated 01.03.2020. Though notice was issued as many as 44 Contractors, only four of them took part. It is not in dispute that the petitioner was the successful bidder.

5.When the auction itself had taken place after the lockdown announcement, the petitioner cannot cite the lockdown difficulties for seeking extension of time. I can understand if contract was awarded earlier and due to the subsequent intervention of lockdown, the petitioner was put to difficulties. That is clearly not the case here. Therefore, I am of the view that the petitioner has to necessarily abide by the terms of the contract awarded to him. I see no ground to grant any relief to the petitioner. The petitioner's security deposit cannot be retained by the respondent. I direct the respondent to release the petitioner's security deposit forthwith and without any delay.

6.With this direction, the Writ Petition stands dismissed.
No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg



To

The District Forest Officer,
District Forest Office,
Tuticorin.

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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