



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14019 of 2020

Ramar

.. Petitioner

Vs.

1.The District Collector,
O/o. the District Collector,
Madurai.

2.The Principal Secretary/Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 34.

3.The Deputy Commissioner / Executive Officer,
Executive Officer's Office,
Arulmigu Kallazhagar Thirukovil,
Azhagarkovil, Madurai.

4.The Assistant Commissioner,
Arulmigu Kallazhagar Thirukovil,
Azhagarkovil, Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to return the petitioner's deposit amount with interest by considering his representation dated 17.09.2020 within a stipulated period fixed by this Court.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.K.P.Narayanakumar for R1 and R2
Special Government Pleader
Mr.K.R.Laxman for R3 and R4
Standing counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to return the petitioner's deposit amount with interest.

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



3.It is the case of the petitioner that he participated in a tender called for by the fourth respondent, in the year 2017, in respect of the allotment of shops. According to him, a total sum of Rs.9,85,160/- (Rupees Nine Lakhs one hundred and sixty only) was deposited by him with the third respondent. However, the respondents rejected the tender given by the petitioner. But according to the petitioner, till date, they have not refunded the amount deposited by him. He has given a representation on 17.09.2020 to the respondents seeking for refund of the deposit amount. According to the petitioner, till date, the said representation has not been duly considered by the respondents. In such circumstances, this writ petition has been filed.

4.The relief sought for by the petitioner in this writ petition is an innocuous relief. It is the contention of the petitioner that the respondents have not refunded the amount deposited by him for participating in the tender, despite the respondents rejecting his tender. According to him, a total sum of Rs.9,85,160/- was deposited by him with third respondent. He has also given a representation on 17.09.2020 with the third and fourth respondents, seeking for a refund of the sum of Rs.9,85,160/-. Admittedly, the said representation has not been responded to by the respondents.

5.Therefore, this Court is inclined to grant the relief as prayed for in this writ petition, since no prejudice will be caused to the respondents, if the representation dated 17.09.2020, given by the petitioner is considered on merits and in accordance with law.

6.In the result, the respondents are directed to consider the representation of the petitioner dated 17.09.2020, requesting for refund of the deposit amount of Rs.9,85,160/-, pursuant to the rejection of his tender and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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.

To

- 1.The District Collector,
O/o. the District Collector,
Madurai.
- 2.The Principal Secretary/Commissioner,
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Chennai - 34.
- 3.The Deputy Commissioner / Executive Officer,
Executive Officer's Office,
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- 4.The Assistant Commissioner,
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Azhagarkovil, Madurai.

+1 CC to SPL GP (SR-19619[F] dated 09/10/2020)

W.P (MD) .No.14019 of 2020
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VB (20.10.2020) 3P 6C