



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.16602 of 2020
(Through Video Conference)

WEB COPY

G.Kalaiselvan

... Petitioner

Vs

- 1) The Secretary to Government,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Development,
Secretariat, Fort St. George,
Chennai 600 009
- 2) The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Development,
Secretariat, Fort St. George,
Chennai 600 009
- 3) The Commissioner,
Revenue Administration,
Disaster Management and Mitigation,
Chepauk, Chennai 600 006
- 4) The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet, Chennai 600 015
- 5) The District Collector,
Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the representations of the petitioner dated 14.06.2019 and 24.08.2020 for refund of the EMD and other amounts forfeited from the petitioner in respect of the contracts executed by the petitioner for Rajiv Gandhi Rehabilitation Package (RGRP) Scheme, in Pudukkottai District within a time frame as fixed by this Court.

For Petitioners : Mr.R.Paranjothi

For Respondents : Mr.Sri Charan Rangarajan,
Additional Advocate General
Assisted by Mr.M.Rajarajan,
Additional Government Pleader



O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representations dated 14.06.2019 and 24.08.2020 seeking for refund of Earnest Money Deposit and other amounts, forfeited by the fifth respondent, in respect of the contracts executed by the petitioner for Rajiv Gandhi Rehabilitation Package (RGRP) Scheme, in Pudukkottai District within a time frame to be fixed by this Court.

2.Mr.Sri Charan Rangarajan, learned Additional Advocate General assisted by Mr.M.Rajaraman, Additional Government Pleader accepts notice on behalf of the respondents. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3.Mr.Sri Charan Rangarajan, learned Additional Advocate General, would submit that the present writ petition is not maintainable, since for the same grievance the petitioner had already filed a writ petition in W.P.(MD) No.14329 of 2017 and in the said writ petition, final orders are passed by the Principal Bench of this Court on 09.06.2017 directing the first respondent to consider the petitioner's representation, dated 08.04.2017 and to pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of the said order. Further, he would contend that in compliance with said directions, final orders were passed by the second respondent and a Government Order in G.O.Ms.No.56, Rural Development and Panchayat Raj (CGS.3) Department, dated 03.05.2019 was also passed by which, certain amounts were refunded to the petitioner.

4.The learned Additional Advocate General would submit that the present writ petition seeking refund of the amount claimed by the petitioner was refunded under G.O.Ms.No.56, Rural Development and Panchayat Raj (CGS.3) Department, dated 03.05.2019. Hence, he would submit that the present writ petition is not maintainable and would further submit that the claim of the petitioner is also barred by limitation.

5.After hearing the submissions of the learned Additional Advocate General, the learned counsel for the petitioner sought for a direction from this Court to grant liberty to the petitioner to challenge the Government Order in G.O.MS.No.56, Rural Development and Panchayat Raj (CGS.3) Department dated 03.05.2019 in accordance with law. For this submission, the learned Additional Advocate General submitted that such a liberty cannot be granted to the petitioner in view of the fact that, already an order has been passed considering the petitioner's representation and further the present claim made by the petitioner is barred by limitation. The interest of the respondents will be protected if the issue with regard to the objections made by them with regard to the period of



limitation as well as other objections are kept open by this Court.

6.Hence, this Court issues the following directions:

a)The petitioner is granted liberty to challenge the Government Order in G.O.MS.No.56, Rural Development and Panchayat Raj (CGS.3) Department dated 03.05.2019 pertaining to the forfeited amount from the account of the petitioner in respect of the project done by him for "Rajiv Gandhi Rehabilitation Package (RGRP) Scheme", in Pudukkottai District.

(b)The issue whether the respondents are liable to refund more amounts than, what was refunded, as per G.O.Ms.No.56, Rural Development and Panchayat Raj (CGS.3) Department, dated 03.05.2019, is kept open and the respondents are allowed to raise all objections available to them under law, including the plea of limitation, whenever the petitioner challenges the G.O.Ms.No.56, Rural Development and Panchayat Raj (CGS.3) Department, dated 03.05.2019.

7.With the aforesaid directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Secretary to Government,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Development,
Secretariat, Fort St. George, Chennai 600 009.
- 2) The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Development,
Secretariat, Fort St. George, Chennai 600 009.
- 3) The Commissioner,
Revenue Administration,
Disaster Management and Mitigation,
Chennai 600 006.



4) The Director of Rural Development
and Panchayat Raj,
Panagal Building, Saidapet, Chennai 600 015.

5) The District Collector,
Pudukkottai, Pudukkottai District.

+1 CC to M/s.GP (SR-22982[F] dated 26/11/2020)

Order made in
W.P. (MD) No.16602 of 2020
24.11.2020

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kvn (CO)

KK(22.12.2020) 4P 7C