



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.17250 of 2020

N.K.Sellur Mari

.. Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai - 625 002.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 15.09.2017 and direct the respondent to issue the deposit amount of Rs.82,873/- with interest at the rate of 8% p.a., which was deposited by the petitioner, in the name and style of N.K.Sellur Mari Fourth Class Contractor vide Contract Licence No. MD.001.4/13408/16 in register No.1, for the public work for the period from 2008 to 2017.

For Petitioner : Mr.G.Anbusaravanan

For Respondent : Mr.R.Murali,
Standing Counsel

ORDER

(This writ petition heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider the petitioner's representation dated 15.09.2017, requesting the respondents to refund the earnest money deposit of Rs.82,873/- together with interest at the rate of 8 % per annum, which was deposited by the petitioner, while participating in the various tenders called for by the respondent.

2.Heard Mr.G.Anbusaravanan, learned counsel for the petitioner and Mr.R.Murali, learned Standing Counsel, appearing for the respondent.

3.In the affidavit filed in support of the writ petition, the petitioner has referred to various tenders called for by the respondent between the years 2014-2016. According to him, the total value of the tender was Rs.18,41,639/- and the earnest money deposit works out to Rs.82,873/-. It is the case of the



petitioner that in order to participate in the tenders, he had made an earnest money deposit of Rs.82,873/- favouring the respondent, which will have to be refunded. It is his contention that the said earnest money deposit has not been refunded till date. In such circumstances, he has given a representation on 15.09.2017, to the respondent, seeking for refund of the earnest money deposit of Rs.82,873/-, with interest. According to him, till date the representation has not been considered by the respondent. In such circumstances, this writ petition has been filed.

4.The relief sought for in this writ petition is an innocuous relief. It is the case of the petitioner that an earnest money deposit of Rs.82,873/- has been illegally forfeited by the respondent, which will have to be refunded to him. It is his case that the petitioner has been participating in various tenders called for by the respondent between the years 2014-2016 and in respect of those tenders, the respondent has illegally forfeited a sum of Rs.82,873/-. He has given a representation on 15.09.2017, to the respondent, seeking for refund of the said amount. Admittedly, till date the said representation has not been considered by the respondent. It is for the respondent to consider the request of the petitioner on merits and in accordance with law.

5.For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 15.09.2017, seeking for refund of a sum of Rs.82,873/-, together with interest at the rate of 8% per annum, on the ground that the respondent has illegally forfeited the said amount and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that the petitioner will have to produce all records to the respondent to enable the respondent to consider the petitioner's representation dated 15.09.2017, on merits and in accordance with law.

6.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// 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.

+1 CC to Mr.R. MURALI, Advocate (SR-23609[F]
dated 02/12/2020)

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01.12.2020**

SJ(CO)
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