



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.17375 of 2020

(Through Video Conference)

V.Srinivasa Prabhu

... Petitioner

Vs

1.The Deputy Registrar of Housing Societies,
Madurai Region,Madurai.

2. The Secretary,
No.A-63/1092,
The Madurai Co-operative
Building Society Limited,
No.51/15, Besant Road, Chokkikulam,
Madurai 600 002

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to return the Deposit amount of Rs.1,40,000/- (rupees One Lakh Forty Thousand only) along with applicable interest for the delay of repayment to the petitioner by considering his representation dated 24.08.2020 within the period stipulated by this Court.

For Petitioner: Mr.N.Sathish Babu

For R-1 : Mr.A.Muthukaruppan,
Additional Government Pleader

For R-2 : Mr.B.Bagavathy, Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to return the Deposit amount of Rs.1,40,000/- (Rupees One Lakh Forty Thousand only) along with applicable interest for the delay in repayment to the petitioner, by considering his representation dated 24.08.2020 within the period stipulated by this Court.

2. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice for the first respondent and Mr.B.Bagavathy, learned Government Advocate accepts notice for the second respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.



3. It is the case of the petitioner that he participated in the auction conducted by the second respondent and as Earnest Money Deposit, he paid a sum of Rs.1,40,000/- which has to be refunded by the second respondent. He has given a representation on 24.08.2020 to the second respondent seeking for return of Earnest Money Deposit amount of Rs.1,40,000/- together with further interest for the delayed repayment. It is the further case of the petitioner that, till date, the said representation has not been considered. In such circumstances, this writ petition has been filed.

4. The relief sought for in this writ petition is an innocuous relief. No prejudice would be caused to the respondents if the representation of the petitioner is considered by them on merits and in accordance with law.

5. It is the case of the petitioner that he has deposited a sum of Rs.1,40,000/- with the second respondent as Earnest Money Deposit for participating in an auction. However, it is the contention of the respondents that the said amount has been forfeited, since the petitioner has committed default. It is for the respondents to consider the representation on merits and in accordance with law, since the representation of the petitioner has not been considered by them, the same will have to be necessarily considered and final orders passed.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 24.08.2020 seeking for refund of a sum of Rs.1,40,000/- paid by him towards Earnest Money Deposit for participating in the auction 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.

7. With the aforesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(Writs)

// 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 Deputy Registrar of Housing Societies,
Madurai Region,Madurai.

2. The Secretary,
No.A-63/1092,
The Madurai Co-operative
Building Society Limited,
No.51/15, Besant Road, Chokkikulam,
Madurai 600 002.

+1 CC to M/s.GP (SR-23895[F] dated 03/12/2020)

Order made in
W.P. (MD) No.17375 of 2020

Dated:
02.12.2020

mj (CO)
TR(29.12.2020) 3P 4C