BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **31.08.2020**
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P.(MD)No.17961 of 2019

Y.Jeyasingh ... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

2.The Regional Director,
Municipal Administration,
Thiruchendur Road, Tirunelveli.

3.The Commissioner of Municipality,
Nagercoil Municipality,
Nagercoil, Kanniyakumari District. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation and direct the third respondent to provide Rs.32,43,400/-(Rupees Thirty Two Lakhs Forty Three Thousand and Four Hundred) to the petitioner along with accrued interest for deposit amount earnest money with security deposit additional deposit of various contract work done by the petitioner for the third respondent Municipality.

For Petitioner	:	Mr.B.Elankumaran
For R-1 & R-2	:	Mr.M.Rajarajan Additional Government Pleader
For R-3	:	Mr.P.Athimoolapandian

O R D E R

Heard the learned counsel on either side.

2.The writ petitioner as a Contractor had done quite a few works for the third respondent Municipality. The petitioner had deposited a sum of Rs.32,42,400/- as security deposit with the third respondent. The petitioner states that since all his contract works have already been concluded, the third respondent is not justified in retaining the security deposit.

3. Per contra, the stand of the third respondent is that since the petitioner had not cleared the service tax / GST dues, the Audit Department had raised objections and that is why, they are withholding the security deposit of the writ petitioner.

4. I am of the issue that the controversy lies within a very narrow compass. The petitioner's counsel claims that the petitioner had cleared all the GST dues / service tax dues. If that be so, the petitioner shall obtain No Due Certificate from the concerned Authority and produce the same before the third respondent. The third respondent will verify the genuineness and if it is found that the petitioner has cleard the GST dues / service tax dues, the security deposit of the petitioner will be returned immediately thereafter and without any further delay. The petitioner's counsel states that the petitioner will approach the third respondent with such No objection certificate from the concerned Authority. The third respondent will carry out the exercise as mentioned above and conclude the same within a period of six weeks thereafter.

5.The Writ Petition is disposed of with the above terms. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Tsg

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 Commissioner of Municipal Administration,
Ezhilagam, Chepauk,Chennai-600 005.

2.The Regional Director,
Municipal Administration,
Thiruchendur Road, Tirunelveli.

3.The Commissioner of Municipality,
Nagercoil Municipality,
Nagercoil, Kanniyakumari District.

+1 CC to M/s.P.ELANKUMARAN, Advocate(SR-15488[F] dated 01/09/2020)
+1 CC to M/s.GP (SR-15516[F] dated 01/09/2020)

W.P.(MD)No.17961 of 2019
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