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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 34222 of 2013

and

M.P.No. 1 of 2013

P.Mahalakshmi

..Petitioner

Vs

1. Tamil Nadu Forest Department,
Rep.by Principal Conservator of Forests,
Chennai.

2. Conservator of Forests,
Villupuram.

3. District Forest Officer,
Near Travelers Bungalow,
Villupuram.

..Respondents

Prayer:

Writ Petition is filed under Article 226 of Constitution of India for writ of certiorarified mandamus, calling for the records from the 1st Respondent relating to the orders dt. 27.10.2013 bearing reference No. Na.Ka.No.1983/2012/KU(48) together with all connected records and quash the same as the same being illegal, arbitrary, malafide, vindictive, unconstitutional and consequently direct the respondents 1 to 3 to refund Rs.57,000/- paid by the Petitioner on 01.11.2012 towards the 1/3rd of the auction amount with 18% interest p.a. from that date till the date of actual payment to Petitioner within a time frame fixed by this Hon'ble court.

For Petitioner : Mr.S.Saravanakumar

For Respondent No.1 to 3 : Mr.M.R.Gokul Krishnan, GA

O R D E R

The writ petitioner had participated in the auction for sale of Mattigai Plantation for the year 2012-2013. The respondent conducted auction on 01.11.2012, the petitioner was the highest



bidder in the said auction. The petitioner has paid 1/3 amount i.e., Rs.57,000/- as per terms and conditions.

2. The writ petitioner had inspected the aforesaid plantation upon receiving the confirmation order land and made representation informing that number of trees were already removed from the aforesaid land, therefore sought for refund of 1/3rd amount already deposited by the petitioner. The respondent has not considered the aforesaid representation of the petitioner and rejected the request by letter dated 15.08.2013 and further informed to the petitioners to pay the balance amount as per the terms and conditions of the tender notification on or before 31.08.2013. Since, the writ petitioner's grievance was not considered by the authority, he again made representation on 22.04.2013. The said request was also rejected by the respondent stating reason that the petitioner has not paid the balance 2/3rd amount, cut and removed the trees before 31.08.2013, they have forfeited the amount and included the said place for re-auction list for the period 2013-2014. Challenging the same, the present writ petition is filed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the records.

4. According to the learned counsel for the writ petitioner, the petitioner had inspected the plantation in the month of September'2012. Subsequently, the auction was conducted and he was the successful bidder in the said auction. On inspection, the petitioner came to know that the 40% trees were removed from the aforesaid land, therefore the petitioner has requested refund of 1/3 amount already deposited by the petitioner.

5. The 1st & 2nd respondents have filed a counter affidavit, wherein it is stated that the petitioner had deposited 1/3 amount towards purchase the trees for plantation. The petitioner had inspected the said land based on the confirmation order dated 22.11.2012 and made representation on 19.04.2013 i.e after five months to refund the amount already deposited to the respondent. Therefore the aforesaid reason stated by the petitioner is not correct and contrary to the terms and conditions. If the petitioner has grievance, he can make objections before the authority concerned before issuing work order to her.

6. From a perusal of records, it is clear that the petitioner after inspection of the plantation and without raising any objections, had accepted the work order issued by the respondent. Subsequently, she made representation to the respondent after five months, alleging 40% trees were removed in



the said land. This Court finds no justification seeking refund of the deposited amount by the petitioner, after five months, which is contrary to the terms and conditions of the tender notification issued by the respondent.

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7. With the above observations, the writ petition stands dismissed as devoid of merits. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. Tamil Nadu Forest Department,
Rep.by Principal Conservator of Forests,
Chennai.
2. Conservator of Forests,
Villupuram.
3. District Forest Officer,
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+1cc to the Government Pleader, S.R.No.32946

W.P.No. 34222 of 2013
and
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RLD(CO)
BE(09/08/2021)