



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.39093 of 2015

N.Chandra Mohan

... Petitioner

Vs.

The Commissioner
Mettur Municipality
Mettur Dam-I
Salem District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to return the petitioner's earnest money of Rs.3,00,000/- and additional earnest money of Rs.5,00,000/- totally Rs.8,00,000/- which were deposited with the respondent for the purpose of participating the tender of general auction for the period of 2013-2014 to 2015-2016 of the respondent by considering the representation dated 28/9/2015.

For Petitioner : Mr.M.Mariappan

For Respondent : Mr.S.Saravanan

ORDER

The relief sought in this writ petition is to issue a mandamus, directing the respondent to return the petitioner's earnest money deposit of Rs.3,00,000/- and additional earnest money deposit of Rs.5,00,000/-, totalling a sum of Rs.8,00,000/- to him, by considering the representation dated 28.09.2015.

2.It is the case of the petitioner that pursuant to the tender notice dated 01.04.2013 issued by respondent, with respect to parking of Ash lorry, etc., in the land situated at Ward B, Block 15, S.No.42/66 near Mathaiyan Kuttai ITI, for the years 2013-2014 and 2015-2016, he participated in the public auction. At the time of submitting his bid, the petitioner paid a sum of Rs.3,00,000/- towards earnest money deposit and also Rs.5,00,000/- as additional earnest money deposit, insteading of furnishing property documents to the value of Rs.25,00,000/-. Since he quoted the highest amount, the respondent accepted his offer on 24.04.2013, but did not hand over the possession of the subject land. The repeated requests made by the petitioner in



this regard ended in vain. Hence, he made a representation dated 28.09.2015 to the respondent requesting to return the total earnest money deposited by him. Finding no response on the said representation, the petitioner has filed this writ petition for the aforesaid relief.

3.The learned counsel for the petitioner submitted that the petitioner paid a total sum of Rs.8,00,000/- towards earnest money deposit for the tender notified by the respondent on 01.04.2013 and he requested the respondent to return the said amount, since they did not act upon the conditions stipulated in the tender notification. Therefore, the learned counsel prayed for appropriate direction to the respondent in this regard.

4.On the other hand, the learned counsel appearing for the respondent fairly submitted that the respondent would consider the claim of the petitioner seeking return of the earnest money deposit, if not already considered, and pass orders, as per the terms of the tender notification, within a time frame to be stipulated by this court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the respondent is directed to consider the representation dated 28.09.2015, if not considered earlier, and pass appropriate 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.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gbi

To

The Commissioner
Mettur Municipality
Mettur Dam-I, Salem District.

+lcc to Mr.S.Saravanan, Advocate Sr No.38144

W.P.No.39093 of 2015

RLD (CO)
PR (24/09/2021)