



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15387 of 2021

S.Muthuraman

... Petitioner

Vs.

1.The Principal Conservator of Forest,
Office of the Principal Conservator of Forest,
Panagal Maaligai, 1,
Saidapet, Chennai - 600 015.

2.The Divisional Conservator of Forest,
Office of the Divisional Conservator of Forest,
Virudhunagar Division,
Virudhunagar District.

3.The District Forest Officer,
Office of the District Forest Officer,
Sivagangai.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to pay the 1/3 amount of license fee of Rs.75,000/- (Rupees Seventy Five Thousand) paid by the petitioner for the cutting down of Seemai Karuvelam Trees in the New Kanmoi at Thalakovoor Village in Kallal, Sivagangai District and restraining the respondents from any way block listing the petitioner from the contractor books of the 3rd respondent.

For Petitioner : Mr.S.Ramsundarvijayaraj
For Respondents : Mr.R.Suresh Kumar
Counsel for State

ORDER

The petitioner seeks a refund of the 1/3rd bid amount which the petitioner remitted in relation to the grant of a licence for felling Seemai karuvelam trees in the new kanmoi at Thalakovoor Village at Kallal, Sivagangai District.

2.The petitioner states that he was the successful bidder at an auction conducted for the aforesaid purpose on 16.12.2020. On the date of auction, he remitted a sum of Rs.75,000/- representing 1/3rd of the total bid value. On account of the rise in water levels at the relevant kanmoi, it was not possible to fell the trees. In



addition, it is stated that the said trees were affected by the stagnation of water and therefore such trees could not be put to the intended use. In such circumstances, the petitioner seeks refund. He states that by communication dated 19.04.2021, the third respondent called upon him to pay the balance 2/3rd of the total bid value.

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3.Mr.R.Suresh Kumar, learned counsel for the State accepts notice on behalf of the respondents. He submits that the terms and conditions of auction do not permit a claim for refund in such circumstances. With specific reference to Clause 3 of the terms and conditions, he points out that a successful bidder cannot cite natural causes for non performance of the contract.

4.As correctly pointed out by learned counsel for the respondents, the terms and conditions of the auction are clear. Bidders were put on notice that they cannot cite natural causes for delay in performance or for withdrawing from the contract. The rise in water levels at the relevant kanmoi is something that a contractor engaged for felling trees therein should have anticipated. As such, there is no merit in the petitioner's request for refund.

5.However, the petitioner raises another aspect. He points out that the respondents intend to blacklist him. Blacklisting is a decision with drastic consequences to the persons blacklisted. Therefore, the principles of natural justice apply in full measure. The respondents should provide a reasonable opportunity to the petitioner and enable him to provide an explanation before taking any decision in this regard.

6.Subject to the above observations, W.P.(MD).No.15387 of 2021 is dismissed without any order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

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.



TO:

- 1.The Principal Conservator of Forest,
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Saidapet, Chennai - 600 015.
- 2.The Divisional Conservator of Forest,
Office of the Divisional Conservator of Forest,
Virudhunagar Division,
Virudhunagar District.
- 3.The District Forest Officer,
Office of the District Forest Officer,
Sivagangai.

+1 CC to M/s.The Special Government Pleader (SR-27761[F] dated
01/09/2021)

W.P (MD) No.15387 of 2021
27.08.2021

RS (07.09.2021) 3P 5C