



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15592 of 2021

M.Sivachandran

... Petitioner

Vs.

1.The Chief Conservator of Forest,
Social Forest,
No.1, Panagal Building,
Jennis Road, Chennai-600015.

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 The District Forest Office,
District Forest Office Building,
Sivagangai.

... Respondents

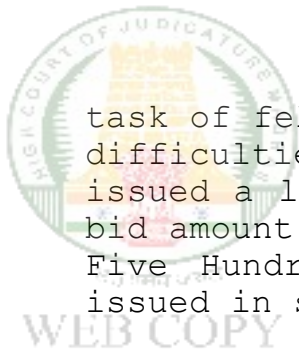
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 10.08.2021 and return the amount of Rs.2,42,500/- paid by the petitioner in respect of 1980 Korkai Tank, Kalayarkovil Taluk, Sivagangai District, and restraining the respondents from anyway blacklisting the petitioner from the contractor books of the 3rd respondent.

For Petitioner : Mr.N.S.Karthikeyan
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks consideration of the representation dated 10.08.2021 for the return of a sum of Rs.2,42,500/- (Rupees Two Lakhs Forty Two Thousand and Five Hundred only) paid by him in relation to a contract to fell trees at specific tanks at Kalayarkovil Taluk.

2.The petitioner states that he paid 1/3rd of the total bid value of Rs.7,27,412/- (Rupees Seven Lakhs Twenty Seven Thousand Four Hundred and Twelve only) at the time of award of the above contract. According to the petitioner, there was heavy rainfall in October and November 2020 and that, therefore, the water level in the relevant tanks was too high for the petitioner to undertake the



task of felling trees. Therefore, the petitioner explained the above difficulties to the third respondent. However, such third respondent issued a letter dated 05.08.2021 threatening to forfeit the initial bid amount of Rs.2,42,500/- (Rupees Two Lakhs Forty Two Thousand and Five Hundred only). The representation dated 10.08.2021 has been issued in such circumstances.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the third respondent may be directed to consider the petitioner's representation by taking into account the terms and conditions of the auction.

4.The petitioner also canvasses a grievance with regard to the threatened blacklisting by the respondents. Blacklisting is an action which visits the person blacklisted with severe consequences. Therefore, the law prescribes that such blacklisting should only be resorted to after following due process and providing a reasonable opportunity to the person concerned.

5.Subject to the above observations but without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 10.08.2021 and dispose of the same by a reasoned order after taking into account the relevant terms and conditions of auction and the overall facts and circumstances. Such reasoned order shall be issued within a period of two (2) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner.

6.Accordingly, W.P.(MD).No.15592 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

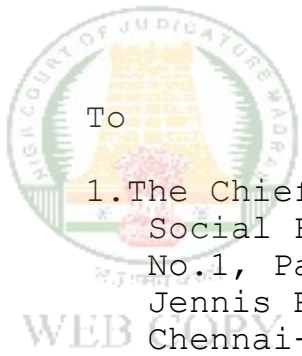
Assistant Registrar (T & P)

// 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 Chief Conservator of Forest,
Social Forest,
No.1, Panagal Building,
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Chennai-600015.

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

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

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-28155[F] dated
03/09/2021)

+1 CC to M/s.GP (SR-28053[F] dated 03/09/2021)

W.P (MD) No.15592 of 2021
02.09.2021

RS (16.09.2021) 3P 6C