



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.NO.14098 OF 2019

Annai Enterprises,  
Represented by Propertrix, Rajeshwari,  
No.130-2/786 A, Veedigounder Colony,  
Kovai By-pass Road,  
Thiruvagoundanoor Roundana,  
Salem - 636 005.

... Petitioner

Vs.

1. The Managing Director,  
Tamil Naud Magnesite Limited,  
(Government of Tamil Nadu Undertaking)  
No.5/53, Omalur Main Road,  
Jagir Ammapalayam, Salem - 636 302.
2. The Assistant Manager (Marketing)  
Tamil Naud Magnesite Limited,  
(Government of Tamil Nadu Undertaking)  
No.5/53, Omalur Main Road,  
Jagir Ammapalayam, Salem - 636 302.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 27.04.2019 and to deliver the materials DBM, LCM, DUNITE, RMD and Magnesite to the petitioner.

For Petitioner : Mr.R.Y.George Williams

For Respondents : Mr.S.N.Parthasarathy

O R D E R

The petitioner seeks to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 27.04.2019 and to deliver the materials DBM, LCM, DUNITE, RMD and Magnesite to the petitioner.



2. It appears that the petitioner who is the dealer in Minerals had sought to purchase 250 Metric Tons of DBM-Grade-VII from the respondents. The petitioner has also paid a certain sum towards portion of the cost of the said Minerals. The purchase orders were placed in the year 2017 and 2018. It appears that the respondents have not supplied the required Minerals and have re-funded a sum of Rs.21,80,435/- paid by the petitioner. The same is evident from the letter of the petitioner dated 27.04.2019, wherein the petitioner specifically admits that the money paid has been re-funded. The petitioner seeks priority in supply of the Minerals. The letter also states that the petitioner is prepared to pay the money that has been re-funded by the respondents.

3. I do not think that such a mandamus could be issued. In order to seek mandamus against the respondents, the petitioner must establish subsisting legal duty on the part of the respondents. In the absence of such legal duty, the prayer for mandamus cannot be granted. The Writ Petition has been filed after the respondents have returned the money. Hence, I do not find any merits in the Writ Petition. The Writ Petition therefore fails and it is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

dsa

To

1. The Managing Director,  
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+1cc to M/s.R.Y.George Williams, Advocate, S.R.No.32500

W.P.No.14098 of 2019

PMK(CO)

RLP(15/06/2022)