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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.43837 OF 2016

M/s.K.R.Metal Engineering Company,
Represented by S.Abdul Kapoor,
No.628, Murugan Nagar,
Vazhuthalamedu, Thirumudivakkam,
Chennai - 600 044.

... Petitioner

Vs.

1. The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Salai, Chennai-2.
2. The Assistant Manager,
Disposal Section,
M.T.C. Ltd., Chrompet,
Chennai - 600 044.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to his letter bearing No.197/50197/ DIS/MTC/2016 dated 30.09.2016 and quash the same and consequently direct the respondents herein to permit the petitioner to take delivery of the remaining 8 lots of unlifted scrap materials namely lot Nos.61, 196, 204, 205, 207, 206, 449 & A-42 for the amount of Rs.3,51,891/- being the materials value already paid to the 1st respondent without charging ground rent if any or in the alternative to refund the already paid amount of Rs.3,51,891/- together with interest at 12% p.a from 30.09.2016 which is illegally forfeited.

For Petitioner : Mr.T.K.Kulasekaran

For Respondents : Mr.M.Chidambaram



O R D E R

The order impugned dated 30.09.2016 is an intimation sent to the petitioner.

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2.The petitioner is M/s.K.R. Metal Engineering Company and doing the business for several years. The petitioner was a successful bidder participated in the tender-cum-e auction held on 10.08.2016 and 11.08.2016 regarding sale of condemned scrap items through auction. Eighteen lots were awarded to the petitioner firm as the petitioner was the highest tenderer. As per the tender conditions the petitioner was agreed to clear the lots within the specified time through the confirmation letter issued by the respondent Corporation on 20.08.2016. As per the terms of agreement, the last date for clearance was 08.09.2016.

3.The petitioner made a complaint against the Corporation that they came to the premises for lifting the lot, however, the lots were not delivered to the writ petitioner. The said objection was disputed by the Transport Corporation. The Corporation has clarified that they have already delivered the lots to the petitioner and out of the eighteen lots, the petitioner had fully cleared ten lots and partially cleared five lots within the last date of clearance and the remaining three lots were not collected within the last date of clearance.

4.The order impugned in the present Writ Petition is an intimation sent to the petitioner on 30.09.2016, asking the petitioner to lift the lot on or before 10.10.2016, failing which the petitioner is bound to remit Rs.727.50/- per day as ground rent. Even on the date of issuance of the impugned order, the petitioner had ten days to lift the lot, instead of lifting the lot within the agreed date i.e. on or before 10.10.2016, the petitioner has chosen to file the present Writ Petition.

5.This Court is of the considered opinion that the impugned order is only an intimation given in advance by the Transport Corporation on 30.09.2016, asking the petitioner to lift the remaining three lots as per the terms and conditions on or before 10.10.2016, failing which the petitioner is bound to remit Rs.727.50/- per day as ground rent. Thus, the said intimation letter would not provide any cause of action for the Writ Petitioner for filing the preset Writ Petition. The intimation letter which is impugned in the present Writ Petition cannot be an order affecting the rights of the petitioner. Thus, the petitioner cannot be construed as an aggrieved person in the eye of law.



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6.This being the factum, the Writ Petition is not entertainable and accordingly, stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Salai, Chennai-2.
2. The Assistant Manager,
Disposal Section,
M.T.C. Ltd., Chrompet,
Chennai - 600 044.

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.1038

W.P.No.43837 of 2016

GPL (CO)

RLP(31/01/2022)