

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.44328 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 Deputy Manager (Materials),
M.T.C. Ltd., Pallavan Salai,
Chennai - 600 002.
3. 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, to call for the records of the 2nd respondent herein pertaining to his Letter No.199/50199/ DIS/MTC/16 dated 3.10.2016 and quash the same and consequently direct the respondents 1 to 3 herein to permit the petitioner to take delivery of the remaining unlifted materials namely Lot Nos.257 260 & 261 weighing 6110 Kg for the amount of Rs.1,65,221/- being the materials cost already paid in favour of the 1st respondent on 27.9.2016 or in the alternative to refund the amount of Rs.1,65,221/- with interest at 12% p.a from 3.10.2016 without charging ground rent if any which is illegally withheld by the respondents.

For Petitioner : Mr.T.K.Kulasekaran

For Respondents : Mr.M.Chidambaram

O R D E R

The order impugned dated 03.10.2016 is an intimation sent to the petitioner.

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 14.09.2016 and 15.09.2016 regarding sale of condemned scrap items through auction. Seven 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 24.09.2016. As per the terms of agreement, the last date for clearance was 12.10.2016.

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 the petitioner has to collect seven lots within the last date of clearance i.e., on or before 12.10.2016.

4.The order impugned in the present Writ Petition is an intimation sent to the petitioner on 03.10.2016, asking the petitioner to lift the lot on or before 12.10.2016. Even on the date of issuance of the impugned order the petitioner had nine days to lift the lot, instead of lifting the lot within the agreed date i.e. on or before 12.10.2016, 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 03.10.2016, asking the petitioner to lift seven lots as per the terms and conditions on or before 12.10.2016. 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.

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 Deputy Manager (Materials),
M.T.C. Ltd., Pallavan Salai,
Chennai - 600 002.
3. The Assistant Manager,
Disposal Section,
M.T.C. Ltd., Chrompet,
Chennai - 600 044.

+1cc to M/s.T.K.Kulasekaran, Advocate, S.R.No.1775

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.1039

W.P.No.44328 of 2016

GPL(CO)
RLP(31/01/2022)