



W.P.No.10556 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10556 of 2023

and

W.M.P.No.10493 of 2023

D.Pankajavalli

... Petitioner

Vs.

The Municipal Commissioner,
Sathyamangalam Municipality,
Sathyamangalam Municipal Office,
Mysore Trunk Road, Rangasamuthuram,
Sathyamangalam – 638 402.
Erode District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 26.07.2021 and refund the entire security deposit, to the extent of Rs.4,20,000/- to the petitioner herein.

For Petitioner

: Mr.V.Karthikeyan

For Respondent

: Mr.B.Anand



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ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation of the petitioner dated 26.07.2021 and refund the entire security deposit to the extent of Rs.4,20,000/-.

2. The husband of the petitioner was an allottee of Shop No.25 and the lease was granted for three years commencing from 01.10.2014. The husband of the petitioner paid a sum of Rs.6,00,440/- as security deposit and was paying the monthly rent of Rs.15,000 for the shop. Unfortunately, the husband of the petitioner died and thereafter, the lease was extended after three years also by increasing the rent at the rate of 15%. The husband of the writ petitioner Mr.Dhandapani died due to cardiac arrest on 19.06.2021. Thereafter, there was nobody to carry out the business of the husband of the petitioner. The petitioner submitted an application to refund the security deposit. Since it was not considered, the present writ petition was filed.

3. The learned counsel for the respondent on instructions made a submission that the petitioner has committed default in payment of rent and after adjusting the arrears of rent, the respondent is liable to refund a sum of



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Rs.90,265/- to the petitioner. The copy of the calculation made by the respondent is handed over to the learned counsel for the petitioner.

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4. High Court cannot go into the calculations made by the authorities competent and if at all any dispute exist in respect of the calculation, the petitioner has to approach the Competent Authority or the Competent Forum for adjudication of issues. As far as the undisputed refund amount of Rs.90,265/- is concerned, the respondents are directed to pay the same to the writ petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. In respect of the disputes regarding calculations or otherwise, the petitioner is at liberty to approach the Competent Authority or Forum concerned.

6. With this liberty, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes
Speaking order
Neutral Citation : Yes



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To

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S.M.SUBRAMANIAM, J.

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