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W.P. No. 32414 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32414 of 2023

K.Ganesh

... Petitioner

-VS-

1. The Principal Secretary to Government,
Public Works Department,
Tamil Nadu Secretariat,
Fort St. George,
Chennai – 600 009.

2. The Commissioner,
Avadi Municipality,
Chennai – 600 054.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to consider the Petitioner's representations dated 04.09.2019, 18.09.2019 and 01.02.2023 insofar as to refund the Earnest Money Deposit amount for a sum of Rs. 7,00,000/- (Rupees Seven Lakh only) to the Petitioner together with 10% interest from the date 04.09.2019 till the date of disposal of the Writ Petition insofar as the lease given to the Petitioner for performing aquaculture (Eri Meen Magasul Kuthagai) in the Thirumullaivoyal “Ayaneri” Village tank within a time frame as fixed by this Court.



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For Petitioner : Mr. S.John Josh
For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1)
Mr. R.Gopinath,
Standing Counsel (for R2)

ORDER

Heard Mr. S.John Josh, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate, who takes notice for the First Respondent and Mr. R.Gopinath, Learned Standing Counsel, who takes notice for the Second Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made representations dated 04.09.2019, 18.09.2019 and 01.02.2023 to the Second Respondent to refund the earnest money deposit amount of Rs. 7,00,000/- to him together with interest at the rate of 10% per annum, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.



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3. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representations dated 04.09.2019, 18.09.2019 and 01.02.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.03.2024 under written acknowledgment;



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(v) if the Petitioner is found entitled to any monetary benefits, the same shall

be paid along with working-sheet showing its calculation within a period

of three months from the date of passing of that order; and

(vi) the report of such compliance shall be filed before the Registrar
(Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No
costs.

20.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 08.01.2024.

vjt

To

1. The Principal Secretary to Government,
Public Works Department,
Tamil Nadu Secretariat,
Fort St. George,
Chennai – 600 009.
2. The Commissioner,
Avadi Municipality,
Chennai – 600 054.



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Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. K. Ganesh,
S/o. MR. Kambar,
No. 23, 2nd Street,
Sivasankarapuram Thirumullaivoyal,
Chennai 600 062.



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P.D. AUDIKESAVALU, J.

vjt

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