



W.P. (MD).No.5882 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.5882 of 2021
and W.M.P(MD)Nos.4614 and 4617 of 2021
change MP

R.Dharmaraj

... Petitioner

Vs

The District Forest Officer,
O/o.The District Forest Officer,
Trichy District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Se.Mu.AA.No.907/2020L dated 28.11.2020 quash the same and consequently direct the respondent herein to extend the contract period by six months in the wake of total lock down declared from 24.3.2020.

For Petitioner : Mr.V. Janakiramulu

For Respondent : Mr. A.K.Manikkam
Special Government Pleader



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ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent, dated 28.11.2020, wherein, the respondent has informed the petitioner that since the work was not completed within the period stipulated in the tender notification, the security deposit that was paid by the petitioner was sought to be forfeited and the request made by the petitioner for extension of time was also denied.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

3.The petitioner was a successful bidder for the tender notification issued by the respondent, for removal of Karuvela trees in the lake. As per the tender condition, an agreement was executed and the petitioner was supposed to remove the karuvelam trees by 31.08.2020. From the end of March 2020, lockdown was announced. Therefore, the petitioner was not able to carry out the work. In view of the same, out of 7 ½ months of contract period, a major part was not able to be utilised by

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the petitioner, due to lockdown. The petitioner therefore, made a representation seeking for extension of the period by six months. The same was not considered and the respondent, through the impugned proceedings informed the petitioner that since the work was not completed within the stipulated period, the security deposit made by the petitioner is being withheld. Aggrieved by the same, this writ petition has been filed before this Court.

4.In the considered view of this Court, the lockdown period brought the entire world to a standstill. Therefore, the petitioner could not have carried out any work during this period. That apart, it was beyond the control of the petitioner and hence, the petitioner had hardly commenced the work and continued for 1 ½ months and thereafter, the petitioner was not able to do any work. In view of the same, it will not be reasonable on the part of the respondent to forfeit the security deposit made by the petitioner.

5.Since the period was over long back, this Court is not inclined to direct the respondent to grant any extension of period.



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However, the impugned proceedings of the respondent to the extent of forfeiting the security deposit made by the petitioner, is hereby quashed.

There shall be a direction to the respondent to refund the security deposit made by the petitioner, within a period of four weeks from the date of receipt of copy of this order.

6. Accordingly, this writ petition stands allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM

To

The District Forest Officer,
O/o. The District Forest Officer,
Trichy District.



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N.ANAND VENKATESH, J.

PNM

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