



WP(MD)No.17176/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17176/2014

N.Sivathanupillai

...Petitioner

Vs

1.The Engineer (WRD/PWD),
Irrigation (Special) Section,
Thuchalay, Kanyakumari District.

2.The Assistant Engineer (WRD/PWD),
Irrigation (Special) Section,
Thachalay, Kanyakumari District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order vide letter No.193/nfh.10/c.bgh.(rp) dated 21.04.2014 passed by the second respondent and quash the same and consequently direct the respondents to permit the petitioner to cut and remove the coconuts from Melapeyottukulam Reach-I to Reach-XXIV in Villukuri Village, Kanyakumari District.

For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader



WP(MD)No.17176/2014

ORDER

WEB COPY

This writ petition is filed as against the communication of the second respondent in letter No.193/கோ.10/உ.பொ.(சு) dated 21.04.2014 preventing this petitioner from performing the contract, which has been granted to him.

2. The case of the petitioner is that he has participated in the Tender floated by the second respondent and has been declared as a successful bidder for taking yield of the coconuts from the coconut trees, for a period of three years from 01.04.2014 to 31.03.2017. Upon receiving a complaint, the second respondent issued the impugned communication and directed the petitioner not to enforce the contract and the same is challenged in this writ petition.

3. The learned counsel appearing for the petitioner submits that though the petitioner has deposited EMD amount as demanded by the second respondent, he was not allowed to perform the contract. Therefore, he prays for appropriate orders.



WP(MD)No.17176/2014

4. Admittedly, this petitioner was awarded contract for the period from 01.04.2014 to 31.03.2017. This writ petition was filed in the year 2014. The period of contract was over in the year 2017. Therefore, no orders can be passed on the prayer sought for in the writ petition. However, it is informed by the learned counsel appearing for the petitioner that the petitioner has deposited some EMD amount, pursuant to the contract. Therefore, this Court directs the second respondent to return the EMD amount to the petitioner, if any, deposited by him, pursuant to the contract, after deducting the amount for the period he has performed the contract, if any, within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is closed. No costs.

10.03.2023

NCC: Yes / No
Index :Yes / No
Speaking Order : Yes / No
mbi



WEB COPY



WP(MD)No.17176/2014

B.PUGALENDHI, J.

mbi

To

- 1.The Engineer (WRD/PWD),
Irrigation (Special) Section,
Thuchalay, Kanyakumari District.
- 2.The Assistant Engineer (WRD/PWD),
Irrigation (Special) Section,
Thachalay, Kayakumari District

WP(MD)No.17176/2014

10.03.2023