



W.P(MD)No.18840 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.18840 of 2015

S.Rajan

...Petitioner

Vs.

Senior Divisional Commercial Manager,
Madurai Division,
Southern Railways,
Madurai – 625 010.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondent to return to the petitioner all the documents retained by the respondent by way of security deposit towards agreement for broadcasting advertisements by Digital PA Systems pertaining to



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Madurai, Tirunelveli, Tuticorin, Virudhunagar, Tenkasi, Karaikudi and Rameshwaram, together with due endorsements of discharge in favour of the petitioner.

For Petitioner : Mr.G.Arvinthan

For Respondent : Mr.K.R.Laxman

ORDER

The petitioner was awarded with a contract for broadcasting advertisements by Digital PA Systems in the Railway Stations at Madurai, Tirunelveli, Tuticorin, Virudhunagar, Tenkasi, Karaikudi and Rameshwaram, for the period 2008-2010.

2. The petitioner has filed this Writ Petition for a Mandamus directing the respondent to return to the petitioner all the documents retained by the respondent by way of a security deposit towards the agreement for broadcasting advertisements.



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3. The learned counsel for the petitioner submits that though the petitioner was awarded with contract, the respondent has not provided sufficient accommodation and he was prevented from commencing the business. The petitioner had made several representations, however, the respondent has forfeited the earnest money deposit amount paid by the petitioner.

4. The learned counsel for the petitioner further submits that pursuant to a legal notice issued on behalf of him, the respondent by his proceedings, dated 06.12.2012, called upon the petitioner to produce the originals with an undertaking that on production of the same, the security deposit amount would be refunded to the petitioner. Believing this communication, dated 06.12.2012, the petitioner has also deposited the original money receipts for the security deposits, the award letter issued by the respondent and the relevant copies of agreement executed with the railways. Having collected these documents, the respondent is now taking a stand that the agreement was terminated and the security



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deposit amount has been forfeited. In the event, the petitioner is now not in a position to challenge this termination in the manner known to law, since he has handed over the entire documents, believing the letter of the respondent, dated 06.12.2012 and therefore, he has filed this Writ Petition for a Mandamus to hand over all these documents.

5. The learned counsel appearing for the respondent submits that the petitioner has violated the terms and conditions and therefore, the contract itself was cancelled and therefore, the security deposit was also forfeited. It is not correct to state that the respondent has collected the original documents in order to prevent the petitioner from filing the suit. He also submits that if the documents are available with the Railway Department, he would advise the Department to return the documents, other than the documents meant for security deposit. Even for the security deposit amount, he would advise the Officers to give a certified copy enabling him to work out his remedy in the manner known to law.



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6. This Court considered the rival submissions made and perused the materials placed on record.

7. Considering this stand taken by the learned counsel for the respondent that they would hand over the documents, this Writ Petition is disposed of, with a direction to the respondent to hand over the original documents, if any, pertaining to the contract of this petitioner with the respondent within a period of four weeks from the date of receipt of a copy of this order. For the documents pertaining to the security deposit amount, a certified copy shall be issued by the respondent retaining the original. The petitioner is at liberty to work out his remedy, after collecting these documents, in the manner known to law. No costs.

05.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
RM



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1.Senior Divisional Commercial Manager,
Madurai Division,
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B.PUGALENDHI, J.

RM

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