



W.P.(MD)No.21927 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21927 of 2021

V.Manickavalli

... Petitioner

-VS-

1.The Principal Secretary to Government,
Industrial Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

2.The Commissioner,
Geology and Mining, Government of Tamil Nadu,
Chennai.

3.The District Collector,
District Collectorate,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to refund the amount of Rs.12,50,000/- to the petitioner along with interest at the rate of 12% from 30.04.2008 to till the date of payment.

For Petitioner : Mr.K.S.Muthu

For Respondents : Mr.B.Saravanan
Additional Government Pleader



W.P.(MD)No.21927 of 2021

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ORDER

This Writ Petition was filed for issuance of Writ of Mandamus, directing the third respondents to refund the amount of Rs.12,50,000/- to the petitioner along with interest, based on the representation made by her on 12.02.2021.

2. When the Writ Petition came up for hearing on 10.12.2021, this Court passed the following order:-

"Mr.N.Satheeshkumar, learned Additional Government Pleader, takes notice for all the respondents.

2.It is stated that the husband of the petitioner had participated in the bid for quarrying license and was also the successful bidder. However, the lease was not granted, in view of the fact that, it was found that the land where quarrying was to take place, was actually a Kanmoi/Water body. The lease was, therefore, cancelled. Questioning that order, the husband of the petitioner had initiated necessary proceedings. That was pending for quite sometime. Now the husband of the petitioner has unfortunately expired and the petitioner seeks refund of the EMD amount paid by her husband, at the time, when he had bid for quarrying license. It is also informed that the subsequent proceedings/appeal initiated by



W.P.(MD)No.21927 of 2021

the husband had been withdrawn or rather letter had been given to withdraw the same. Naturally, that would bring to an end all the legal proceedings between the petitioner and the respondents.

3.Let the learned Additional Government Pleader get further instructions relating to return of the amount deposited by the husband of the petitioner to the petitioner in her capacity as legal heir.

4.For forwarding such instructions, call the matter on 07.01.2022."

3. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

4. It is clear from the records that the licence that was granted in favour of the husband of the petitioner was cancelled and the appeal that was filed was also withdrawn through a withdrawal letter submitted before the first respondent on 17.11.2021. Hence, the amount that was paid cannot be retained by the respondents.



W.P.(MD)No.21927 of 2021

5. In the result, there shall be a direction to the third respondent to refund the entire amount that was collected to the tune of Rs.12,50,000/- to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. If there is any delay in refunding this amount, the same shall carry an interest at the rate of 7.5% from the date on which this amount was deposited till the date of actual payment to the petitioner.

6. This Writ Petition is disposed of with the above direction. No costs.

NCC : Yes/No
Index : Yes/No
smn2

21.11.2023

To

- 1.The Principal Secretary to Government,
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4/5



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W.P.(MD)No.21927 of 2021

N.ANAND VENKATESH, J.

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W.P.(MD)No.21927 of 2021

21.11.2023