



W.P.(MD)No.12364 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.12364 of 2017

A.Gnanaboominathan

... Petitioner

versus

1. The District Collector,
O/o. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Canara Bank,
Rep. by its Branch Manager,
Ramanathapuram Branch,
Ramanathapuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent No.2 to disburse the Term Deposit in Deposit No.05RDME394843 and 05RDME394786 to a tune of Rs.3,41,300/- along with interest from the year 2008 to 2017 on the account of the petitioner's current account in Account No.2808201000304 within the time frame as stipulated by this Court.



W.P.(MD)No.12364 of 2017

For Petitioner : No appearance
For R1 : Mr.M.Sarangan,
Additional Government Pleader
For R2 : Mr.N.Dilipkumar

ORDER

The petitioner has filed this writ petition for a Mandamus, directing the second respondent Bank to refund the deposit amount of Rs.3,41,300/-.

2. The learned counsel appearing for the petitioner submits that the petitioner had participated in the Tender issued for laying road and he was also selected as successful bidder and work order was also issued to him by the first respondent. On 08.03.2008, the petitioner had deposited a sum of Rs.1,70,300/- towards Earnest Money Deposit and on 31.03.2008, a sum of Rs.1,71,000/- towards Additional Deposit. Thereafter, due to unavoidable circumstances, he could not start the work immediately. Therefore, the a show cause notice was issued as to



W.P.(MD)No.12364 of 2017

why he should not be block listed. Though he submitted his explanation, the second respondent, by his proceedings dated 18.12.2009, block listed the petitioner. Therefore, he seeks for refund of the deposited amount of Rs.3,41,300/-.

3. The learned Additional Government Pleader appearing for the first respondent submits that though the petitioner was awarded with a contract to lay road, he failed to execute the contract and therefore, the earnest money paid by him was forfeited. Based on the order passed by the first respondent not to disburse the amount, the second respondent has not disbursed the amount to the petitioner. Further, the petitioner, without challenging the order of the first respondent, has sought the relief as against the second respondent.

4. Since the petitioner, without challenging the order of the first respondent, has sought the relief as against the second respondent, this writ petition cannot be maintained. Accordingly, the writ petition is



W.P.(MD)No.12364 of 2017

dismissed. However, liberty is granted to the petitioner to work out his remedy before the competent Civil Court. No costs.

23.06.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Collector,
O/o. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Branch Manager,
Canara Bank,
Ramanathapuram Branch,
Ramanathapuram District.



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W.P.(MD)No.12364 of 2017

B.PUGALENDHI, J.

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W.P.(MD)No.12364 of 2017

23.06.2023