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W.P. No. 16085 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 16085 of 2018

U.Salavudeen

... Petitioner

-VS-

1. The Commissioner
Vellore City Municipal Corporation
Vellore.

2. The Assistant Commissioner (General)
Vellore Corporation Zone II
Sathuvacharry, Vellore.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to refund the amount of Rs. 36,53,285/- (Rupees Thirty Six Lakhs Fifty Three Thousand and Two Hundred and Eighty Five Only), paid by Petitioner as tender amount in Na.Ka.No.326/2018/A1/M2 dated 30.04.2018 for maintaining and collecting rents fro open to sky shops put up in the Old Fish Market Vellore.

For Petitioner : Mr. T.Srikrishna Bhagavat

For Respondents : Mr. S.Silambannan,
Additional Advocate General
assisted by Ms. P.Shanthi



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ORDER

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Heard Mr. T.Srikrishna Bhagavat, Learned Counsel for the Petitioner and Mr. S.Silambannan, Learned Additional Advocate General assisted by Mrs. P.Shanthi, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that she had made a representation dated 26.06.2018 to the Respondents to refund the amount of Rs. 36,53,285/- paid towards tender amount for maintaining and collecting rents open to sky shops put up in the Old Fish Market Vellore, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 26.06.2018 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;



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(ii) if it is found that any other details or supporting documents is necessary,

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the deficiencies in that regard shall be informed in writing to the

Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;

(iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;

(iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;and

(v) the report of such compliance shall be filed by 31.03.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

19.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 20.02.2024.

Maya



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To

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1. The Commissioner
Vellore City Municipal Corporation
Vellore.
2. The Assistant Commissioner (General)
Vellore Corporation Zone II
Sathuvacharry, Vellore.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. U.Salavudeen,
28, Bagiyath Street,
Vellore – 632 004.



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P.D. AUDIKESAVALU, J.

Maya

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