



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.33121 of 2019
and
W.M.P.No.33555 of 2019

A.Perumal

.. Petitioner

Vs.

1.The District Collector,
Villupuram,
Villupuram District.

2.The Block Development Officer (BP),
Kanai Panchayat Union,
Kanai,
Vikravandi Taluk,
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent bearing ROC No.287/2017/A4 dated 28.03.2019 and to quash the same and consequently, direct the 2nd respondent to refund a sum of Rs.94,195/- towards security deposit and amount deducted in running bills with interest @ 18% per annum.



For Petitioner .. Mr.S.Udaya Kumar
For Respondents .. Mr.V.Nanmaran,
Additional Government Pleader.

ORDER

This writ petition has been filed in the nature of a Certiorarified Mandamus seeking records of the 2nd respondent / the Block Development Officer, Kanai Panchayat Union, Kanai, Vikravandi Taluk, Villupuram District in R.O.C.No.287/2017/A4 dated 28.03.2019 and to quash the same and direct the said respondent to refund a sum of Rs.94,195/- which had been paid towards security deposit and the amount deducted in running bills. The petitioner also claimed interest @ 18% per annum.

2.In the affidavit filed in support of the writ petition, the petitioner had stated that he is a registered contractor with the 2nd respondent and had completed several works by participating in tenders floated by the 2nd respondent. While participating in such tenders, as is normally stipulated, a security deposit to ensure the performance of work entrusted had been



deposited by the petitioner herein. It is claimed that security deposit of a sum of Rs.94,195/- is lying with the 2nd respondent and the same should be refunded to the petitioner herein.

3.Unfortunately, during the pendency of the writ petition, the writ petitioner had died on 04.05.2021 and a petition to substitute the legal representatives or any authorized person to continue the writ petition on behalf of the writ petitioner had not been filed. It is stated that there are four legal representatives.

4.The learned counsel for the respondents stated that according to their statement, a sum of Rs.6,170/- is due and payable to the account of the deceased petitioner. It is stated that other amounts have already been paid.

5.Let me not enter into a discussion about whether the amount of Rs.6,170/- is the final amount payable by the 2nd respondent or whether the deceased writ petitioner was entitled for further amounts. Since the writ petitioner had unfortunately died, it would only be appropriate that the amount, which is admitted by the respondents is paid to the legal



representatives and thereafter, the legal representatives can take a decision whether they would rest with receipt of that amount or would agitate the issue in appropriate manner. I would give that liberty. If they take a decision to agitate, they can always agitate the issue in appropriate manner.

6. But, in the first place, the 2nd respondent is directed to pay a sum of Rs.6,170/- on or before 29.11.2024, to one of the legal representatives namely, P.Sivasakthivel, who may receive the amount on his behalf and on behalf of other legal representatives without prejudice to their right to agitate the issue further, if they are of the opinion that they have a right to claim that further amounts deposited by the writ petitioner as security deposit are due and payable.

7. Even though the writ petitioner is dead, in view of the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

04.11.2024

Index: Yes/No
Internet: Yes/No
smv



WEB COPY



To

1. The District Collector,
Villupuram,
Villupuram District.
2. The Block Development Officer (BP),
Kanai Panchayat Union,
Kanai,
Vikravandi Taluk,
Villupuram District.



WEB COPY



C.V.KARTHIKEYAN,J.

smv

W.P.No.33121 of 2019
and
W.M.P.No.33555 of 2019



WEB COPY



04.11.2024