



W.A(MD)No.1514 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

**THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**W.A(MD)No.1514 of 2017
and
C.M.P.(MD)No.12186 of 2017**

The Executive Officer,
Bathalakundu Town Panchayat,
Dindigul District.

...Appellant

Vs.

1.K.Chidambaram

2.The Additional Director,
Office of the Additional Director of Panchayat Administration,
Dindigul District Collectorate Office Buildings,
Dindigul.

...Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, against the order dated 20.06.2017 passed by this Court in W.P.(MD).No.7340 of 2017.



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For appellant	: Mr.C.Venkatesh Kumar for M/s. Ajmal Associates
For R1	: Mr.K.R.Laxman
For R2	: Mr.A.K.Manikkam Special Government Pleader

JUDGMENT

(Order of the Court was made by V.BHAVANI SUBBAROYAN,J.)

This writ appeal has been filed against the order passed by this Court in W.P.(MD).No.7340 of 2017, dated 20.06.2017.

2. The first respondent is the petitioner in the writ petition and he has filed the writ petition praying for a direction to the second respondent to refund the deposit money of Rs.2,94,572/-, deposited by the petitioner for Shop No.60 of the second respondent Bathlakundu Bus Stand Shop. The learned single Judge of this Court disposed of the writ petition, directing the respondents to consider the representations of the petitioner, dated 15.11.2016 and 30.11.2016 and refund the amount, which was deposited by the petitioner, as expeditiously as possible,



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preferably within a period of four weeks from the date of receipt of the order copy. Challenging the same, the present writ appeal has been filed by the Executive Officer on the ground that the writ petitioner is not entitled for refund of the deposited amount, which has already been forfeited.

3. Heard the learned counsel for the appellant and the learned counsel appearing for the respondents and perused the materials available on record.

4. On 04.01.2018, this Court granted interim stay on condition that the appellant/second respondent in the writ petition, without prejudice to their rights and contentions, shall deposit a sum of Rs.2,94,572/- to the credit of this writ appeal on or before 05.02.2018 in Indian Bank, High Court Branch, Madurai in an interest bearing account initially for a period of one year, failing which, interim stay granted shall automatically be vacated without further reference to this Court.

5. The writ petitioner/1st respondent was the successful bidder in respect of Shop No.60 and he has also deposited a sum of Rs.2,94,572/-. However, he was



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not able to occupy the said shop. Hence, he is entitled to refund the deposited amount from the appellant herein.

6. In view of the above, the appellant/Executive Officer, Bathalakundu Town Panchayat, Dindigul District is directed to pass necessary orders to release the deposited amount to the writ petitioner/1st respondent. On such order being passed, the writ petitioner is directed to file necessary application before the Registry for withdrawal of the deposited amount within a period of two weeks thereafter.

7. With the above direction, this Writ Appeal is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

[V.B.S.,J.] [K.K.R.K.,J.]
11.03.2024

akv

To

The Additional Director,
Office of the Additional Director of Panchayat Administration,
Dindigul District Collectorate Office Buildings,

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WEB CAM Dindigul.

V.BHAVANI SUBBAROYAN, J.
and
K.K.RAMAKRISHNAN, J.

akv

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