



W.P.(MD)No.6266 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6266 of 2025

Karunanithi

: Petitioner

Vs.

The Block Development Officer,
Block Development Office,
Cumbum Union Office,
Cumbum,
Theni District.

: Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to disburse the Earnest Money Deposit (EMD) 1 percent Additional Security Deposit (ASD) 2.5 percent totally sum of Rs.1,16,317/- by Respondent concerned department for the 6 works which were completed at the respondent Municipality Office by considering the petitioner's representation dated 29.07.2024 within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioners : Mr.Henri Patrick Tiphange

For Respondent : Mr.M.Lingadurai

Spl Govt. Pleader



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ORDER

This Writ Petition has been filed seeking a direction to disburse the sum of Rs.1,16,317/- towards the Earnest Money Deposit (EMD) and Additional Security Deposit (ASD) for the completed works, as per the petitioner's representation dated 29.07.2024.

2. Heard the learned counsel for the petitioner and the learned Counsel appearing on behalf of the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims to have completed six construction works and obtained completion certificates for all of them. The petitioner's grievance is that, despite receiving the completion certificates, the respondent has not disbursed the sum of Rs. 1,16,317/- towards the Earnest Money Deposit (EMD) and Additional Security Deposit (ASD) for the completed works. In this regard, the petitioner submitted a representation to the respondent requesting the disbursement of the said amount. However, since no action has been taken, the



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petitioner has filed the present Writ Petition.

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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondent to consider the petitioner's representation dated 29.07.2024 and pass appropriate orders on its own merits and in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the



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respondent to consider the same on its own merits.

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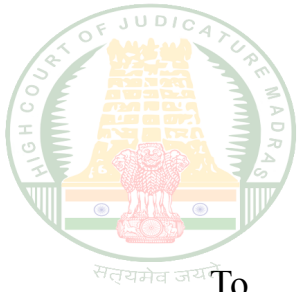
6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

11.03.2025

Index : Yes / No

Internet : Yes / No

PKN



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To
The Block Development Officer,
Block Development Office,
Cumbum Union Office,
Cumbum,
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VIVEK KUMAR SINGH, J.

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