



W.P.(MD).No.16547 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16547 of 2023

Madasamy

... Petitioner

-VS-

**The Commissioner,
Municipality Office,
Ambasamuthiram,
Tirunelveli District.**

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to disburse the Earnest Money Deposit (EMD) 1 percent, Additional Security Deposit (ASD) 5 percent and GST Payment to the concerned department for the 23 works which were completed at the Respondent Municipality Office by considering the petitioner's representation dated 03.03.2023 and subsequent representation dated 19.06.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondent : Mr.M.Rajarajan



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ORDER

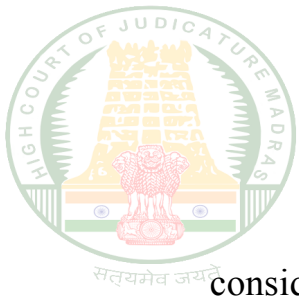
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This writ petition has been filed seeking for a direction to the respondent to disburse the Earnest Money Deposit (EMD) 1 percent, Additional Security Deposit (ASD) 5 percent and GST Payment to the concerned department for 23 works, which were completed at the Respondent Municipality Office by considering the petitioner's representation dated 03.03.2023 and subsequent representation dated 19.06.2023 within a stipulated time that may be fixed by this Court.

2. Heard the learned counsel on either side.

3. The petitioner made representations dated 03.03.2023 and 19.06.2023 to the respondent, with regard to disbursement of the Earnest Money Deposit (EMD) 1 percent, Additional Security Deposit (ASD) 5 percent and GST Payment to the concerned department for 23 works, which were completed at the respondent Municipality. Since the said representations were not considered, the petitioner has filed the present writ petition.

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



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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 representations dated 03.03.2023 and 19.06.2023, on its own merits and pass appropriate orders in accordance with law, within a period of two months 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 respondents to consider the same on its own merits.

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

04.03.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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TO:-

1. The Commissioner,
Municipality Office,
Ambasamuthiram,
Tirunelveli District.

Order made in
W.P.(MD)No.16547 of 2023

Dated:
04.03.2025