



W.P.(MD)No.31426 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.31426 of 2024

P.Kuppusamy

... Petitioner

Vs.

1.The Divisional Railway Manager,
O/o. Divisional Railway Manager,
DRM Office Complex,
Madurai Division, Southern Railway,
Madurai - 625 016.

2.The Senior Divisional Engineer (Central),
O/o. Divisional Engineer,
Madurai Division, Southern Railway,
DRM Office Complex,
Madurai - 625 016.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to disburse the petitioner's Earnest Money Deposit and Performance Guarantee Deposit in connection with Tender vide No.MDU-W-29-2023-05 totaling a sum of Rs.1,64,666.97 to the petitioner forthwith with interest at the rate of 12% till the date of disbursement by considering his representation dated 05.03.2024 within the time stipulated by this Court and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.K.Govindarajan,
Central Govt. Standing Counsel



W.P.(MD)No.31426 of 2024

ORDER

WEB COPY

This writ petition has been filed seeking for a direction to the respondents to consider the petitioner's representation dated 05.03.2024 to disburse the petitioner's Earnest Money Deposit and Performance Guarantee Deposit in connection with Tender vide No.MDU-W-29-2023-05 totaling a sum of Rs.1,64,666.97 to the petitioner forthwith with interest at the rate of 12% till the date of disbursement.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner has also made a representation on 05.03.2024 to disburse the petitioner's Earnest Money Deposit and Performance Guarantee Deposit in connection with Tender vide No.MDU-W-29-2023-05 totaling a sum of Rs.1,64,666.97 to the petitioner forthwith with interest at the rate of 12% till the date of disbursement. Since the same has not been considered, this writ petition has been filed.



W.P.(MD)No.31426 of 2024

WEB COPY

5. 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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. In view of the same, this Court, without going into the merits of the case, hereby direct the respondents to consider the petitioner's representation dated 05.03.2024 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

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

09.01.2025

NCC : Yes / No
Index : Yes / No
Sm



WEB COPY



W.P.(MD)No.31426 of 2024

L.VICTORIA GOWRI, J.

Sm

TO:-

- 1.The Divisional Railway Manager,
O/o. Divisional Railway Manager,
DRM Office Complex,
Madurai Division,
Southern Railway,
Madurai - 625 016.
- 2.The Senior Divisional Engineer (Central),
O/o. Divisional Engineer,
Madurai Division,
Southern Railway,
DRM Office Complex,
Madurai - 625 016.

Order made in
W.P.(MD)No.31426 of 2024

Dated:
09.01.2025