



WA(MD)No.2058 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2026

CORAM :

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

WA(MD)No.2058 of 2024

A.Vijayakumar

... Petitioner

Vs

The District Forest Officer,
Office of the District Forest Officer,
Trichy District..

... Respondent

PRAYER :-Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order made in WP(MD). No.5864 of 2021 dated 28.11.2023.

For Appellants : Mr.R.Sriram
For Respondent : Mr.D.Sasikumar
Additional Government Pleader

JUDGMENT

((Judgment of the Court was made by Dr.G.JAYACHANDRAN, J.)

The appellant herein is a successful bidder for removal of Eucalyptus and Karuvelam trees (prosopis) plantation in the auction held on 27.01.2020. Though he was supposed to execute an agreement within 30 days from the



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confirmation of the auction, it appears that the lease agreement was entered on 07.08.2020 fixing 31.08.2020 as the last date to remove the trees. Obviously the appellant was not able to remove the trees within 20 days and plea for extension of time was also declined. Subsequently, the lease amount of Rs.6,19,244/- as well as security deposit of Rs.62,000/- got forfeited by the respondent. Being aggrieved, the appellant has filed writ petition in WP(MD) No.5864/2021 seeking certiorarified mandamus to extend the contract period by six months in view of the lock-down imposed due to COVID-19 pandemic. The learned Single Judge has found that the tender itself was floated only after lifting of COVID-19 restriction and there is no justification seeking extension of time. However, found that the security deposit of Rs.62,000/- to be refunded. Accordingly the same was ordered to be refunded. Being aggrieved, the appeal is filed stating that the forfeiture of the bid amount of Rs.6,19,644/- is illegal and unlawful.

2. According to the learned counsel for the appellant, though the auction was completed in the month of January, the lease agreement was entered in the month of August fixing 30th of that month for completing the work. When the appellant was granted apparently no sufficient time to complete the work, the respondent ought to have extended the time. But, unfortunately, failed to extend



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the time and also had forfeited the amount and had made unjust enrichment.

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3. The learned Additional Government Pleader representing the respondent submitted that the breach of lease agreement has allowed to forfeiture. Subsequently the tender was floated and one Mohammed Asarudeen, successful bidder, has offered Rs.18,30,756/- for removal of the Eucalyptus and Karuvelam trees (prosopis) plantation, which is 3.5 times more than the earlier lease agreement.

4. On perusing the clause of the agreement entered between the writ petitioner and the respondent, as well as the proceedings of the first respondent, we are of the view that granting 20 days time for completing the work appears to be impragmatic. We also found that the same work was allotted to one Mohammed Asarudeen, however, he was given eight months time. In the said circumstances, having not extended the lease and also made 3.5 times more revenue by re-auctioning the work, we are of the view that the time for completion of work apparently not adequate. There must be justifiable action on the part of the District Forest Officer while he has contemplated to forfeit the amount. Having not exercised fairness while proceeding with forfeiture, it is a fit case to be referred to arbitration being at dispute falling within Clause



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35 of the agreement. Therefore, we dispose of the writ appeal with a direction to the respondent authorities to resort to arbitration as per clause 35 of the lease agreement. The Arbitrator shall decide the dispute within a period of two months from the date of initiation of arbitration proceedings. No costs.

Index : Yes / No
Neutral Citation : Yes / No

(G.J, J.) (K.K.R.K, J.)
08.01.2026

RR

To
The District Forest Officer,
Office of the District Forest Officer,
Trichy District.



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DR.G.JAYACHANDRAN, J
and
K.K.RAMAKRISHNAN, J.

RR

Order made in
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