

(2022) 03 KL CK 0209

In the High Court Of Kerala

Case No : Writ Petition (C) No. 17551 Of 2021

O.P.Varghese

APPELLANT

Vs

Vadavucode Grama Panchayat Puthencruz, Ernakulam District
682 310, Represented By Its Secretary

RESPONDENT

Date of Decision : 25-03-2022

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2022) 03 KL CK 0209

Hon'ble Judges : T.R.Ravi, J

Bench : Single Bench

Advocate : Paul K.Varghese, K.S.Arun Kumar, B.S Syamanthak

Final Decision : Disposed Of

Judgement

T.R.Ravi, J

1. The writ petition has been filed praying for a direction to the respondents to return Rs.2,12,700/- paid towards security deposit and EMD as per Exts.P2 to P4 and the sum of Rs.1,00,000/- expended towards initial expenses in connection with Ext.P1 work agreement, forthwith. It is submitted that the amount paid as EMD has already been refunded to the petitioner and the security amount is lying in deposit with the Treasury Savings Bank as seen from Ext.P2. Since the petitioner was not permitted to carry out the work owing to reasons which cannot be attributed to him, he is entitled to the amounts which have been paid by him towards security deposit and there is no reason why the respondents should be permitted to retain the amount with them or in the form of a deposit. As the amount is lying in deposit, the respondents do not have to find funds for repaying the amount.

In the above circumstances, the writ petition is partly allowed. The respondents are directed to close the Treasury Savings Bank Fixed Deposit Account evidenced by Ext.P2 and pay the amount with accumulated interest to the petitioner within

two weeks from today. As regards the amount of Rs.1,00,000/- which is claimed to have been expended towards initial expenses, the petitioner is at liberty to take up appropriate proceedings for the same since it is a matter which cannot be decided in a proceedings under Article 226 of the Constitution of India.