

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.17981 of 2015

T.Dhanasekaran

... Petitioner

Vs

1. The Assistant Commissioner,
Excise - Thiruvallur District,
Office of the Collectorate,
Thiruvallur.

2. The Government of Tamil Nadu
rep. by the Secretary,
Prohibition and Excise Department,
Fort St. George, Secretariat,
Chennai - 9.

... Respondents

(R2 impleaded vide order dated 13.10.2015
in M.P.No.1 of 2015 in W.P.No.17981 of 2015)

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents herein to consider the petitioner's representation dated 23.12.2014 and pass orders in accordance with the provisions of Section 24D of the Tamil Nadu Prohibition Act, 1937 as substituted by the Tamil Nadu Act, 57 of 1998.

For Petitioner : Mr.P.Thirugnanam

For Respondents : Mr.M.S.Ramesh,
Additional Government Pleader

ORDER

Seeking a direction to the respondents to consider the representation dated 23.12.2014 in accordance with the provisions of Section 24D of the Tamil Nadu Prohibition Act, 1937 as substituted by the Tamil Nadu Act, 57 of 1998, the petitioner has come up with this writ petition.

2.It is the case of the petitioner that a charge sheet was filed against him and six others in C.C.No.455 of 2009 on the file of the Judicial Magistrate, Ambattur for the alleged offence under Sections 4(i)(aa) (jj), 4(i)(k) and 24-A of T.N.P.Act, 1937 and the case is pending trial. The matter was referred to National Lok Adalat and since the alleged offences are compoundable one, the petitioner was directed to approach the first respondent for compounding the offence. Therefore, the petitioner submitted a representation to the respondent on 23.12.2014 and since no action has been taken, he sent another letter on 05.05.2015. Since no orders have been passed on the said representations, the petitioner is before this Court.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.The first respondent filed counter affidavit, wherein in para 5, it is stated as under:

"5.It is also submitted that since Section 24D of the Tamil Nadu Prohibition Act, 1937 did not confer any specific powers upon the Assistant Commissioner (Excise) to compound such offences. the respondent in his letter Rc.No.P&E 9(1) 829/2015 dated 15.04.2015 has clarified that the Government have not conferred any such powers on the Assistant Commissioner (Excise) so far. In view of above, the request of the petitioner to compound the said offence was not taken into consideration...."

5.Since the matter has been referred to the Government, it is appropriate for the petitioner to submit a representation to the Government. Hence the petitioner is permitted to submit his representation to the Government along with a copy of this order

within a period of two weeks from the date of receipt of a copy of this order. On such representation being made, the same shall be considered by the Government and necessary orders be passed in accordance with law, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

mmi

Sub Assistant Registrar

To

1. The Assistant Commissioner,
Excise - Thiruvallur District,
Office of the Collectorate,
Thiruvallur.
2. The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Secretariat,
Chennai - 9.

+1cc to Mr.P.Thirugnanam, Advocate, S.R.No.56069

W.P.No.17981 of 2015

KJI (CO)
CA(29/10/2015)

सत्यमेव जयते
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