

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No.21224 of 2015

C.Periyasamy

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Marketing Corporation
CMDA Towers-IV Floor,
Egmore, Chennai - 600 008.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
131, 132, Dhayalan Street,
Goundanpalayam, Coimbatore - 641 030.
3. The District Manager,
Tamil Nadu State Marketing Corporation,
Erode District, Suriyampalayam,
Vasavi College - 638 316.
Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to refund a sum of Rs.76,590/- (Rupees seventy six thousand five hundred and ninety only) being the deposit remitted with the third respondent for the Bar License No. 023/2011, dated 29/06/2011, along with interest at 12% p.a. till its settlement for the belated refund of the amount.

For petitioner : Mr.K.Premkumar
For respondents : Mr.S.Muthuraj

ORDER

The petitioner obtained a licence in No.023/2011, dated 29.06.2011 from the third respondent to run the Bar attached to a Liquor Shop in Erode District and at the time of obtaining the above licence, the petitioner remitted a sum of Rs.2,32,500/- as deposit to the credit of the respondents-TASMAC. The above said licence expired on 30.06.2012 and therefore, the petitioner represented to the third respondent on various dates to refund the deposit amount without any delay, since the licence expired on 30.06.2012 itself, but the

petitioner did not receive any reply from the third respondent, nor his deposit was refunded. He submitted representations to the respondents 1 and 2, besides the third respondent, by letters dated 07.11.2014 and 06.06.2015 to take action for refund of the above deposit amount, along with interest for the belated payment of the deposit, but no action was taken by the respondent in this regard. However, the third respondent, by letter dated 24.01.2013, confirmed that a sum of Rs.76,590/- will be refunded as deposit after one year from the date of expiry of the licence. In spite of the instructions from the second respondent, dated 18.11.2014, the third respondent failed to take action to refund the above deposit amount, which is being prolonged even after the expiry of licence on 30.06.2012. Hence, the petitioner has filed the above Writ Petition seeking for a direction to refund the said amount, with interest at 12% per annum.

2. Upon notice, the learned counsel for the respondents-TASMAC submitted that the refund claimed by the petitioner had been considered and necessary orders are yet to be passed by the third respondent and this Court may fix a time limit within which the third respondent may have to pass orders.

3. Accordingly, the Writ Petition is disposed of, with a direction to the third respondent to pass appropriate orders for refund of Rs.76,590/- (Rupees seventy six thousand five hundred and ninety only), which is deposited by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of with the above observations/direction. No costs.

cs

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

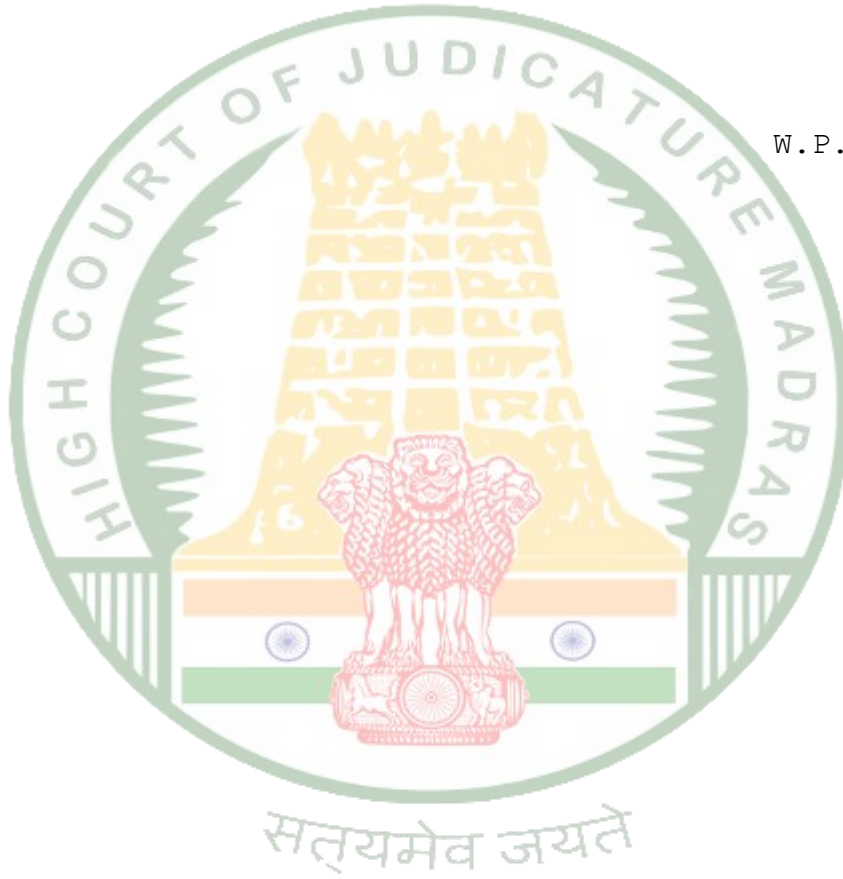
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+ 1 cc to Mr.K.Premkumar, Advocate SR 40027

+ 1 cc to M/s.S.Muthuraj, Advocate SR 40124

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