

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.26828 of 2015
and M.P.No.1 of 2015

R.Thanikachalam

... Petitioner

-Versus-

1.The Government of Puducherry,
Through its Secretary to Government,
Excise, Puducherry.

2.The Excise Commissioner,
Government of Puducherry,
Puducherry.

3.The Deputy Commissioner (Excise),
Karaikkal, Puducherry District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus directing the 1st respondent to dispose of the appeal filed by the petitioner on 12.09.2011 within the time stipulated by this court.

For Petitioner : Mr.V.R.Annagandhi

For Respondent (s) : Ms.N.Mala, Addl. Government
Pleader (Puducherry)

ORDER

Seeking for a mandamus directing the 1st respondent to consider and dispose of the appeal filed by the petitioner as against the order of the 2nd respondent dated 20.07.2011 upholding the order of the 3rd respondent dated 23.08.2004 wherein among other things the kist payable by the petitioner was quantified.

2. The petitioner states that he was engaged in the business of selling arrack. During the year 1996, he participated in the auction of arrack shop conducted by the Union Territory of Puducherry and he became a successful bidder and he fulfilled all the requisite formalities as per the tender conditions. He also gave an undertaking along with title deeds as stipulated under the tender notification and carried on his business throughout the lease period. After the lease period, when he made an application

on 03.12.2003 requesting for grant of remission of kist in respect of his arrack shop and refund of excess payment and also for return of original title deeds, alleging certain contraventions in the sale of arrack, revenue recovery proceedings were initiated and the 3rd respondent by order dated 23.08.2004 refused to consider the requests of the petitioner. When the above said order was taken on appeal, the 2nd respondent, by order dated 20.07.2011 confirmed the order of the 3rd respondent. Challenging the same, the petitioner preferred an appeal to the 1st respondent which is pending for the last four years.

3. The grievance of the petitioner is that the documents relating to a valuable immovable property are unnecessarily withheld by the respondents and the petitioner would be satisfied if the the appeal preferred by him is considered and disposed of within a time frame to be fixed by this court.

4. The learned Additional Government leader (Puducherry), who takes notice on behalf of the respondents 1 to 3, submitted that the the appeal would be disposed of by the 1st respondent within a time frame to be fixed by this court.

5. Considering the limited scope of the prayer sought for in the writ petition, without going into the merits of the case, the 1st respondent is directed to dispose of the appeal preferred by the petitioner dated 12.09.2011 within a period of six weeks from the date of receipt of a copy of this order. In the event, the petitioner succeeds in the appeal, the documents so retained by the respondents numbering three shall be returned to him forthwith.

6. The writ petition is disposed of with the above directions. No costs. Consequently, connected MP is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The Secretary to Government,
The Government of Puducherry,
Excise, Puducherry.

2.The Excise Commissioner,
Government of Puducherry,
Puducherry.

3.The Deputy Commissioner (Excise),
Karaikkal, Puducherry District.

1 cc to Mr. V.R.Anna Gandhi, Advocate Sr.No.53791

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