

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.8652 of 2007

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the respondents in not granting remission or not refunding the proportionate licence fee pertaining to the unlawful closure of the business for 40 days i.e. from 4.2.2007 to 17.3.2007 as illegal, arbitrary, unjust and contrary to law and further direct the respondents to grant remission or to refund the proportionate licence fee for the unlawful closure of the business for 40 days i.e., from 6.2.2007 to 17.3.2007 along with 18% interest.”

Heard Sri Y. Sunil Kumar, learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise for respondents, apart from perusing the material available before this Court.

This Court on 14-06-2010 in W.P.M.P.No.11087 of 2007 passed an interim order directing the 1st respondent – Commissioner of Prohibition and Excise to dispose of the petitioner's representation and to communicate the decision thereon to the petitioner within a period of eight (8) weeks.

Today, when the matter is called, it is represented by the learned Government Pleader for Prohibition and Excise that the office of the Commissioner of Prohibition and Excise vide Cr.No.9789/2010/CPE/G2, dated 27-09-2010 rejected the request of the petitioner and the copy of the same is also placed on record

by the learned Government Pleader.

On noticing the same, it is requested by the learned counsel for the petitioner to permit the petitioner herein to assail the validity of the said order.

In view of the above, the writ petition stands disposed of, keeping it open for the petitioner herein to assail the said proceedings, if the petitioner is advised to do so.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

December 08, 2015

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