

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.14718 of 2016 &
W.M.P.No.12864 of 2016

Sathia

.. Petitioner

v.

- 1 Union of India
Rep. by its Secretary to Government (Excise)
Chief Secretariat
Government of Puducherry
Puducherry

- 2 The Deputy Commissioner (Excise)
Puducherry

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to issue permits to the petitioner uninterruptedly in respect of the Shop No.21(M) Chettipet of Mannadipet Commune.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.A.Tamilvanan
Govt. Advocate (Pondicherry)

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus to direct the second respondent to issue permits to the petitioner uninterruptedly in respect of the Shop No.21(M), Chettipet of Mannadipet Commune.

2. It is the case of the petitioner that the second respondent called for tenders on 08.06.2015 for the auction of arrack Shop No.21(M), Chettipet of Mannadipet Commune Panchayat and the petitioner was the successful bidder in the auction. The second respondent issued a confirmation order on 30.06.2015 in respect of the said shop for the period from 01.07.2015 to 30.06.2016. The petitioner furnished a bank guarantee dated 14.09.2015 for a sum of Rs.42,92,575/- apart from the original title deeds, which was deposited with the second respondent. According to the petitioner, due to heavy rains in the month of October 2015 in Puducherry, the petitioner could not run the business. On 07.12.2015 the petitioner gave a representation

to the respondents 1 and 2 to reduce the kist amount for the period of two months. The second respondent issued re-tender notice on 21.02.2016 proposing to conduct re-auction on 23.01.2016.

3. The respondents filed their counter wherein the respondents have stated that the petitioner is in arrears of a sum of Rs.62,68,120/- towards the kist amount.

4. Mr.A.Tamilvanan, learned Government Advocate (Pondicherry), appearing for the respondents, submitted that in the event of the petitioner paying a considerable portion of the arrears, the respondents would issue permits to the petitioner,

5. Mr.M.Gnanasekar learned counsel appearing for the petitioner submitted that the petitioner is willing to pay a sum of Rs.20,00,000/- towards the arrears of kist, within one week.

6. In view of the submissions made by the learned counsel on either side, I direct the second respondent to issue permits to the petitioner in respect of Shop No.21(M) on condition that the petitioner paying a sum of Rs.20,00,000/- towards the kist arrears, within one week from the date of receipt of a copy of this order. The respondents shall issue permits by 29.04.2016 and in the event of the petitioner defaulting in paying the said amount of Rs.20,00,000/-, it is open to the respondents to suspend the issuance of permits. It is made clear that the petitioner is also liable to pay the balance amount to the second respondent and this order is being passed only as an interim measure for the issuance of permits.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj

To

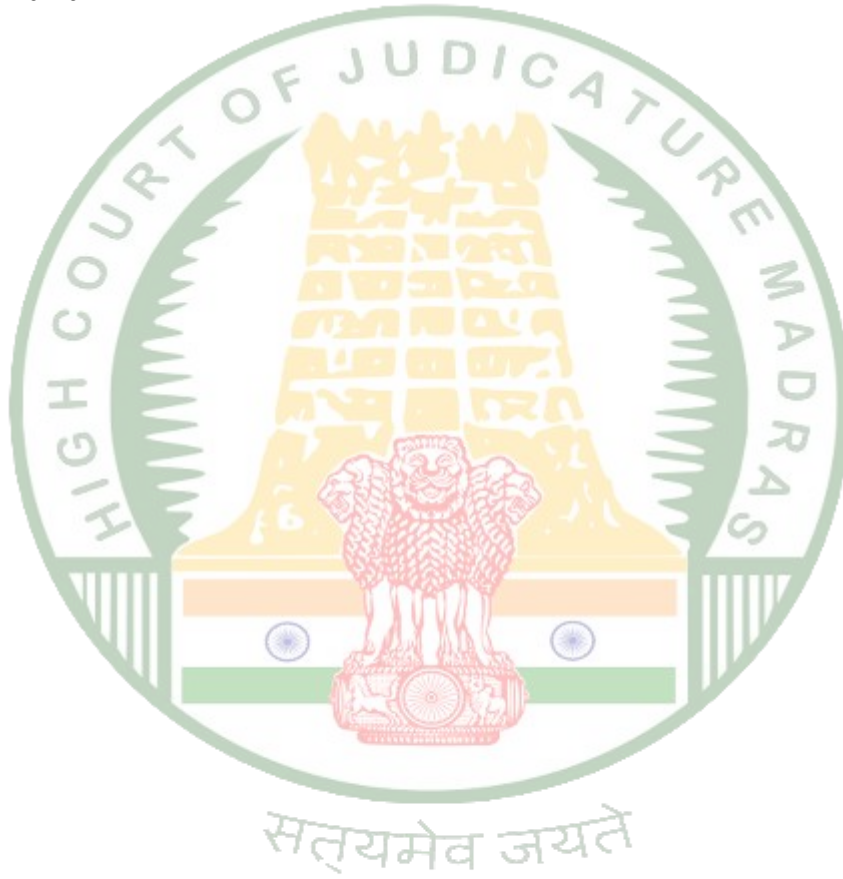
1 The Secretary to Government (Excise)
Union of India
Chief Secretariat
Government of Puducherry
Puducherry

2 The Deputy Commissioner (Excise)
Puducherry

+1 cc to Mr.M.Gnanasekar, Advocate, sr.27147

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tej co
kra 29.04.2016



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