

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2017

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No. 33763 of 2017
and
W.M.P.No.37406 of 2017

N.Pazanivel

...Petitioner

Vs.

1. The District Collector,
No.62, Rajaji Salai,
Chennai 600 001.

2. The Commissioner,
Prohibition and Excise Department,
Chepauk, Chennai 600 005.

3. The Deputy Commissioner (excise)
Prohibition and Excise Department,
Chepauk, Chennai 600 005.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to refund a sum of Rs.1,00,000/- collected as security deposit for the year 2001-2002, so far as the petitioner Shop No.477, License No.483, situated at No.30/1, Wallers Road, Chintadripet, Chennai 600 002, along with the interest @ 18% per annum from the date on which the petitioner has remitted the same. सत्यमेव जयते

For Petitioner : Mr.Vijayan Subramanian
For Respondents : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

Heard Mr.Vijayan Subramanian, the learned counsel appearing for the petitioner and Mr.R.Rajeswaran, the learned Special Government Pleader, accepting notice on behalf of the respondent. With consent on either side, the Writ Petition is taken up for disposal.

2. The petitioner has filed this Writ Petition, seeking for a direction upon the respondents to refund a sum of Rs.1,00,000/-, collected as security deposit for the year 2001-2002, so far as the petitioner's Shop, bearing No.477, License No.483, situated at No.30/1, Wallers Road, Chintadripet, Chennai 600 002 is concerned along with the interest @ 18% per annum from the date on which the petitioner has remitted the same.

3. The petitioner's case is that, he was granted IMFL license by the third respondent during 2001-02. After the expiry of licence period, the petitioner has sent several representations for refund of the security deposit of Rs.1,00,000/-, which he paid at the time, when the license was granted. The Government, in G.O.(D) No.223 of Home, Prohibition and Excise (VI) Department, dated 17.12.2012, issued an order for refund of the security deposit made by the erstwhile IMFL licensees for the years 2001-2002 and 2002-2003. Despite the same, till date, the petitioner's representations have not been considered.

4. It is submitted by the learned counsel appearing for the petitioner that, a similarly placed person had approached this Court, challenging the order of rejection by the Authority, refusing to refund the security deposit, which was set aside, in the case of S.Elangovan Vs. The Commissioner of Prohibition in W.P.Nos.37485 and 37486 of 2016, by order dated 25.11.2016.

5. In the instant case, it is seen that the petitioner's representation is still pending with the Authorities. Therefore, it is appropriate that the respondent should take a decision on the petitioner's representation and send a reply to the petitioner, so as to enable the petitioner to work out his remedies in accordance with law.

6. Accordingly, there will be a direction to the third respondent to consider the petitioner's representation, dated 11.09.2017 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

dna/sd

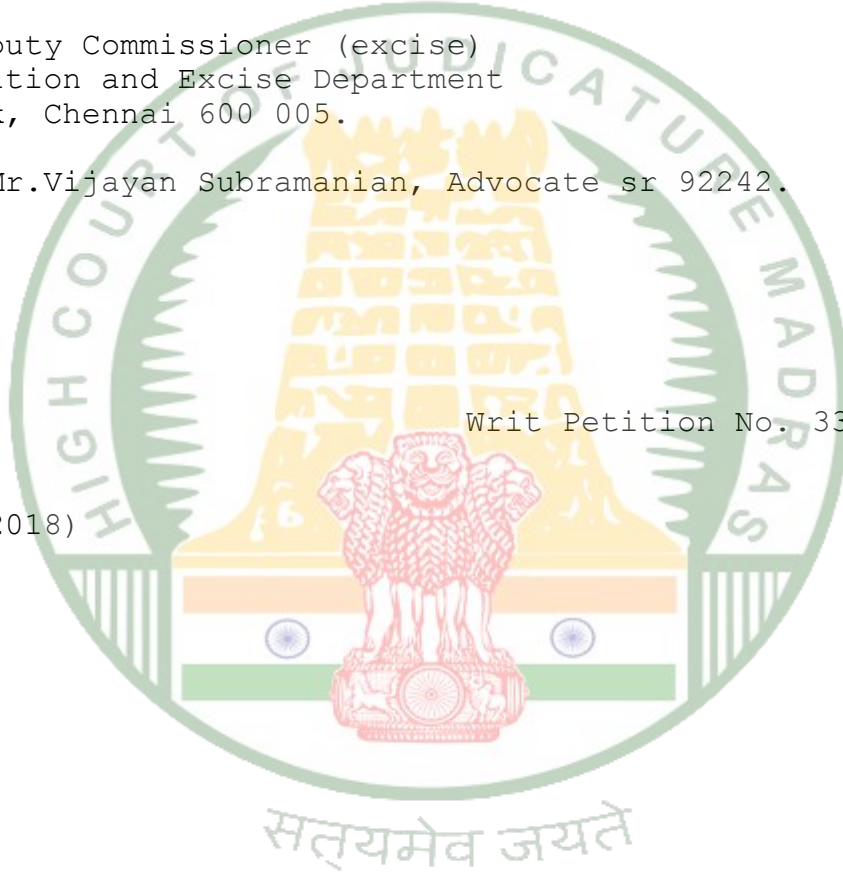
To

1. The District Collector
No.62, Rajaji Salai
Chennai 600 001.
2. The Commissioner
Prohibition and Excise Department
Chepauk, Chennai 600 005.
3. The Deputy Commissioner (excise)
Prohibition and Excise Department
Chepauk, Chennai 600 005.

+1 CC to Mr.Vijayan Subramanian, Advocate sr 92242.

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NRK (CO)
SP (22/01/2018)



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