

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2017

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.31914 of 2002

M.Rajappa

... Petitioner

Vs.

1. The Government of Tamil Nadu,  
By its District Collector,  
Tiruchirappalli.
2. The Assistant Commissioner (Excise)  
Tiruchirappalli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in R.C.P.E3/24567/2002 dated 7.6.2002 and quash the same in so far as the confiscation of the special license fee and withholding of security deposit is concerned and direct the respondents to refund the same to me.

For Petitioner : Mr.A.Sirajudeen,  
Senior Counsel  
for Mr.X.Selvam Soundar

For Respondents : Mr.K.Venkatesh  
Government Advocate

O R D E R

Heard Mr.A.Sirajudeen, Sr.Counsel for Mr.X.Selvam Soundar, appearing for the petitioner and Mr.K.Venkatesh, learned Government Advocate for the respondents.

2.The petitioner, who has been granted license to run Indian made Foreign Liquor for the year 2001-2002, has approached this Court challenging the proceedings issued by the second respondent by which the second respondent informed the petitioner that the security deposit furnished by the petitioner at the time of grant of license cannot be refunded since the petitioner has not achieved the minimum off-take of liquor fixed by the Government, as per the terms and conditions of license.

3.The learned senior counsel appearing for the petitioner submitted that no opportunity was granted to the petitioner to submit their objections and the impugned order has been passed in violation of the principles of natural justice.

4.Though the writ petition is pending from the year 2002 onwards, no counter affidavit has been filed.

5.Considering the submission made by the learned senior counsel appearing for the petitioner, there will be a direction to the petitioner to submit their objections to the impugned proceedings, by treating it as a show cause notice, within a period of 30 days from the date of receipt of a copy of this order. On such objections being received, the second respondent shall consider the same and pass a speaking order on merits and in accordance with law.

6.With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KM

To

1. The District Collector,  
Tiruchirappalli.

2. The Assistant Commissioner (Excise)  
Tiruchirappalli.

+1cc to Mr.R.Rajamani, Advocate, S.R.No.47750

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CS IV

CA(24/07/2017)