



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No. 16181 of 2017

N.Gnanamurugan

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Commissioner,
Prohibition and Excise Department,
District Collector Office,
Dindigul District.

3.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd respondent to refund the deposit amount paid by the petitioner after deducting the amount mentioned in the letter dated 29.07.2016 in Na.Ka.No. 0073/2015-2016/CV-3 by the 3rd respondent.

For Petitioner	: Mr.K.Muthuvai Ilayaraja
For Respondents	: Mr.M.Alagathevan, Special Government Pleader for R.1 & R.2 Mr.H.Arumugam, Standing Counsel for R.3

ORDER

This writ petition has been filed by the petitioner, seeking a writ of Mandamus, to direct the third respondent to refund the amount deposited by him, after deducting the amount as mentioned by the third respondent in proceedings dated 29.07.2016

<https://hcservices.hcourt.gov.in/0073/2015-2016/CV-3>.



2.The case of the petitioner, in nutshell, is as follows:

2.1.Pursuant to the tender notification issued by the third respondent for collecting the empty liquor bottles and for selling snacks in the TASMAL bar for the year 2015-16, the petitioner applied for the same and he was granted license, in respect of Shop No.3330 in Door No.2/469, Poomparai Village, Kodaikanal, Dindigul District, as he was the successful bidder. As the petitioner sustained huge loss, he was not able to continue the said business and he intimated the same to the third respondent by representation dated 22.07.2016. Thereafter, the third respondent by proceedings dated 29.07.2016, informed the petitioner that his license will be cancelled with effect from 31.07.2016, and the deposited amount will be refunded after deducting the demand amount of Rs.54,500/- for July and Rs.896/- towards interest for not paying the demand amount for July in time, as well as Rs.1,090/- for pre-closure of the contract period.

2.2.It is the further case of the petitioner that the third respondent has neither made the above said deductions nor refunded the deposited amount, which constrained the petitioner to submit a representation on 28.03.2017. As the same is kept pending, without any action, the petitioner is before this Court.

3.Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for R.1 & R.2 as well as the learned Standing Counsel appearing for R3.

4.The learned Counsel for the petitioner submitted that it would be suffice if the representation of the petitioner dated 28.03.2017, is disposed of, by the respondents, on merits and in accordance with law, within a time frame to be fixed by this Court.

5.Considering the limited scope of the relief sought for, this Court, without expressing any opinion on the merits of the petitioner's claim, directs the first respondent to consider the representation of the petitioner dated 26.07.2017 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.



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6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Assistant Commissioner,
Prohibition and Excise Department,
District Collector Office,
Dindigul District.

3. The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Dindigul District.

+One cc to M/s. H. Arumugam, Advocate, SR.No.78410

+One cc to The Special Government Pleader, SR.No.78669

gk

RL/6C/3P/JC/SAR1/22/9/2017

ORDER MADE IN

W.P (MD) No.16181 of 2017

12/09/2017