

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.8507 of 2017

K.Velmurugan

.... Petitioner

Vs.

1. The District Collector,
Villupuram,
Villupuram District.

2. The District Revenue Officer,
Villupuram,
Villupuram District.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to refund the adjusted balance amount of Rs.2,50,000/- to the petitioner based on the order passed by the Hon'ble Principal District Judge, Villupuram in C.A.No.20 of 2014 dated 06.11.2015 as well as his representations dated 04.04.2016 and 22.09.2016 and pass orders on the same within a reasonable time to be fixed by this Court.

For Petitioner : Mr.P.Rajavel

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

The petitioner seeks for a Mandamus to direct the 2nd respondent to refund the adjusted balance amount of Rs.2,50,000/- to the petitioner based on the order passed by the Principal District Judge, Villupuram in C.A.No.20 of 2014 dated 06.11.2015 as well as his representations dated 04.04.2016 and 22.09.2016.

2. Heard both sides.

3. The petitioner's vehicle bearing Registration No.TN-28-AE-8826 was seized on 05.09.2013 on the reason that the same was used for illegal transportation of 258 bags of ration rice. Consequently, the goods and the vehicle were confiscated by an order dated 13.01.2014 also by imposing a fine of Rs.3,00,000/- on the petitioner. Though the petitioner paid the fine amount under protest, he preferred an appeal against the order of

confiscation before the Principal District Court, Villupuram, in C.A.No.20 of 2014. The learned District Judge, passed an order on 06.11.2015 and allowed the appeal in part by reducing the penalty from Rs.3,00,000/- to Rs.50,000/-. The said order of the District Judge was not further challenged. Now, the petitioner seeks for refund of the balance amount of R.2,50,000/-, since Rs.50,000/- out of the total amount deposited was already adjusted towards the fine amount imposed by the District Judge.

4. Learned Special Government Pleader, based on instructions, submitted that no further appeal was filed against the order passed by the learned District Judge. Therefore, it is evident that the said order has become final, conclusive and binding upon the parties. Therefore, when there is no dispute to the fact that the petitioner has deposited Rs.3,00,000/- in pursuant to the confiscation made on 13.01.2014, and that the fine amount has been reduced by the Appellate Court as Rs.50,000/- and the said amount is also adjusted out of the amount already deposited by the petitioner, the respondents are duty bound to refund the balance amount of Rs.2,50,000/- to the petitioner without any further delay, if the same is not returned/ refunded to the petitioner so far. Accordingly, the writ petition is disposed of by directing the respondents to refund the sum of Rs.2,50,000/- to the petitioner within a period of four weeks from the date of receipt of a copy of this order, if the amount is not refunded so far. No costs.

Sd/-

Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

Vsi

To

1. The District Collector,
Villupuram,
Villupuram District.
2. The District Revenue Officer,
Villupuram,
Villupuram District.

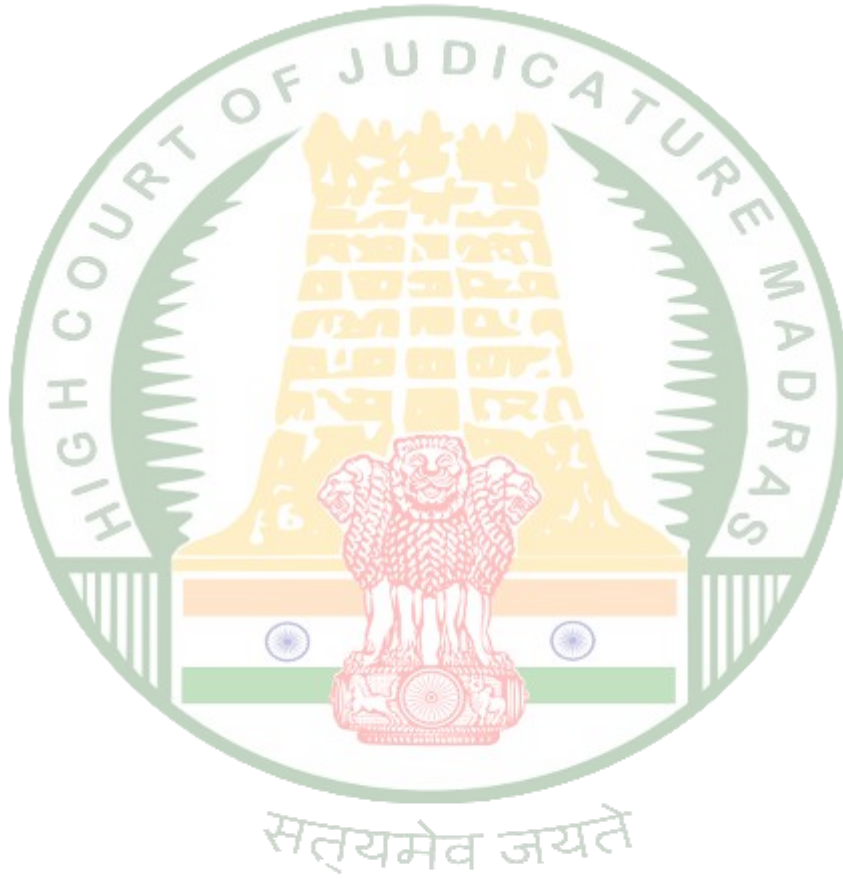
Copy to:

The Principal District Court,
Villupuram

+1cc to Mr.P.Rajavel, Advocate sr.17496

W.P.No.8507 of 2017

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