

In the High Court of Judicature at Madras

Dated : 25.4.2018

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.10566 of 2018

K.Pugazhenthir

...Petitioner

Vs

The Deputy Commissioner (Excise),
District Collector Office, Rajaji
Salai, Chennai-1.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to refund a sum of Rs.1,00,000/- paid by the petitioner herein towards the caution deposit while granting liquor retail vending shop licence No.L.No.470/U.22/MG/649/2001-2002.

For Petitioner : Mr.G.Nagarajan

For Respondent : Mr.R.P.Prathap Singh, GA

ORDER

Mr.R.P.Prathap Singh, learned Government Advocate accepts notice for the respondent. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner was running a wine shop after having been granted a licence for the excise year 2001-02. As a pre-condition for the grant of license, the petitioner made a caution deposit of Rs.1 lakh. The period of licence was from 01.8.2001 to 31.7.2002. Subsequently, it was extended for the excise year 2002-03. Thereafter, the Government took a policy decision and abolished the retail vending of liquor by private individuals and vested the said right only with the Tamil Nadu State Marketing Corporation Limited. Therefore, the petitioner requested for refund of the caution deposit made at the time of securing the licence. However, the same has not yet been considered. Therefore, the petitioner sent a representation dated 08.7.2008, followed by legal notices dated 15.6.2012 and 14.3.2018. Since the petitioner was not favoured with any response, the petitioner is before this Court by way of this writ petition.

3. The learned Government Advocate submits that reasonable time may be granted to the respondent to take a decision on the representation.

4. Considering the fact that the matter is of the excise year 2001-02, the writ petition is disposed of with a direction to the respondent to consider the representations of the petitioner dated 08.7.2008 and 14.3.2018 as well as the legal notices dated 15.6.2012 and 14.3.2018 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

RS

To

The Deputy Commissioner (Excise), District Collector Office,
Rajaji Salai, Chennai-1.

+1cc to Mr.G.NAGARAJAN, Advocate, S.R.No. 31036

+1cc to the Government Pleader, S.R.No. 31271

WP.No.10566 of 2018

SG(CO)

TR(14/05/2018)

सत्यमेव जयते

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