

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.12144 of 2012

N.Ravichandran,
55, (old No.29) 2nd Floor,
Lazarus Church Road,
R.A.Puram, Chennai - 600028.

...Petitioner

Vs

1. The Deputy Commissioner (Excise)
Chennai Collectorate,
Singaravelan Maligai,
Chennai - 600001.
2. The Taluk Excise Officer,
Mambalam Guindy Taluk,
Chennai - 600078.
3. The Branch Manager,
State Bank of India, Treasury Branch,
Chennai - 600006.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the files of the 1st respondent in L1/60165/09 dated 29.07.10 and quash the same as invalid and against the fact and direct the 1st respondent to refund the bar deposit amount a sum of Rs.50,000/- relating to the year 2001-2002.

For Petitioner : Mr.D.Vijayakumar

For Respondents: Mr.A.Zakir Hussain, GA
for R1 & R2

No Appearance
for R3

ORDER

When the petitioner was originally granted license to run IMFL shop in the year 2001-02, he claimed to have deposited a

sum of Rs.50,000/- towards security deposit for running the bar. Subsequently, when the shop was taken over by the Government, the petitioner had closed down the business in the year 2003. Thereafter, when he had sought for refund of the security deposit of Rs.50,000/-, the 1st respondent had given a reply stating that the amount of Rs.50,000/- has been repaid through a Cheque No. 948440, dated 27.06.2003.

2. The petitioner herein disputes the receipt of refund of Rs.50,000/- as well as the Cheque and therefore, he had given a representation to the Bank on 26.07.2001, seeking for details of the aforesaid Cheque. Pending consideration of such a representation, the present writ petition has been filed.

3. When the respondents 1 and 2 had taken a specific stand that they had already refunded the security deposit, it will not be appropriate to direct them to consider the petitioner's claim for refund. Nevertheless, if the petitioner is of the view that the amount has been refunded by the respondents 1 and 2, it is always open to him to approach the respondents 1 and 2 seeking for details of the payment. As such, issuance of mandamus at this belated stage will not be proper.

4. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the 1st respondent seeking for details of the amount claimed to have been refunded or for a refund of the security deposit of Rs.50,000/- and on receipt of such a representation, the 1st respondent herein shall consider the same and pass appropriate orders, within a period of 8 weeks from the date of receipt of copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Deputy Commissioner (Excise)
Chennai Collectorate,
Singaravelan Maligai,
Chennai - 600001.

2. The Taluk Excise Officer,
Mambalam Guindy Taluk,
Chennai - 600078.

+1 cc to Mr.D.Vijayakumar, Advocate, Sr.No. 47213
+1 cc to The Government Pleader, Sr.No. 48096

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CSL/11.07.2019



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