

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.2479 of 2010

and

M.P.No.1 of 2009

S.Paneer Selvam

..Petitioner

Vs.

1. The Assistant Commissioner (Excise),
Nagapattinam.

2. The Divisional Excise Officer,
Mayiladuthurai,
Nagapattinam District.

..Respondents

Prayer: 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 order of the 2nd respondent in Na.Ka.No.554/2008/A dated 25.11.2009 and quash the same and consequentially direct the 2nd respondent to return the security deposit as per the representation given by the petitioner dated 03.12.2009.

For Petitioner : Mr.Agneslazar
for M/s.R.Siva Kumar

For Respondents : Mr.A.Zakir Hussain,
Government Advocate

O R D E R

It is the case of the petitioner that the respondents have no authority to deduct the fine amount from the caution deposit, since the fine was pursuant to his involvement in the criminal case. On perusal of the records, it shows that the petitioner was acquitted of his charges in connection with crime No.1267 of 1999 in C.C.No.45 of 2000.

2. However, it is the submission of the learned Government Advocate that the petitioner was also involved in other criminal case in Cr.No.56 of 2000, in which he had admitted and remitted the compounding fees of Rs.2,000/-, and pursuant to the same, a

sum of Rs.4,000/-, deducted from the caution deposit towards fine for violation of terms and conditions of the licence. In view of the same, it cannot be said that fine amount deducted was in question with the criminal case from which he was acquitted.

3. As such, I do not find any infirmity in the order of the respondents herein. Hence, writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Assistant Commissioner (Excise),
Nagapattinam.

2. The Divisional Excise Officer,
Mayiladuthurai,
Nagapattinam District.

+1 cc to Mr.R.Shivakumar, Advocate, S.R.No.60107

+1 cc to the Spl. Government Pleader, S.R.No.60686

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NR(CO)
SSM(21/08/2019)

सत्यमेव जयते

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