

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2019

CORAM:

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.28044 OF 2019

M.Nagaraj

... Petitioner

Vs.

1. The District Revenue Officer,
Office of DRO,
Coimbatore,
Coimbatore District.

2. The District Supply Officer,
Office of District Supply,
Coimbatore,
Coimbatore District.

3. State rep. by its
The Inspector of Police,
Civil Supplies CID,
Pollachi,
Coimbatore District.

... Respondents

Prayer:-

Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus to direct the First and Second Respondents herein to dispose of the Petitioner's representation dated 01.08.2019 consequently direct the First and Second Respondents to return back the fine amount to a sum of Rs.3,04,000/- to the Petitioner.

For Petitioner : Mr.J.Jayan

For Respondents : Mr.R.Venkatesh
Government Advocate

O R D E R

According to the Petitioner, he was levied fine of Rs.3,04,000/- for illegal transportation of rice meant for Public Distribution System in proceedings in Na.Ka.No.958/2013 Kee3 dated 03.06.2013 passed by the First Respondent, which he

has remitted on 03.08.2013, and that in the criminal proceedings for which the Petitioner was tried for the offences in relation to the same had resulted in his acquittal by order dated 09.07.2019 in C.C.No.26 of 2014 passed by the Judicial Magistrate No.4, Coimbatore. In that backdrop, the Petitioner had made a representation to the First and Second Respondents to refund the aforesaid fine amount paid by him for which direction is sought in this Writ Petition.

2. It is represented by the Learned Government Advocate on behalf of the Respondents that appeal has been preferred against the aforesaid order of acquittal of the Petitioner in the criminal proceedings and in view of the same, it would not be possible to consider the claim of the Petitioner for refund of fine amount at this stage.

3. In that backdrop, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition. He has also made an endorsement to that effect, which is recorded.

4. Accordingly, the Writ Petition is dismissed as withdrawn. It is clarified that it would be open to the Petitioner to apply for refund of fine amount depending upon the outcome of the appeal in the criminal proceedings. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The District Revenue Officer,
Office of DRO,
Coimbatore,
Coimbatore District.

2. The District Supply Officer,
Office of District Supply,
Coimbatore,
Coimbatore District.

3. The Inspector of Police,
Civil Supplies CID,
Pollachi, Coimbatore District.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.93200
+1cc to the Government Pleader, S.R.No.93748

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PP (CO)
CS/03/02/2020



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