



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2019

CORAM

WEB COPY

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.20811 of 2015

Usha Marbles

... Petitioner

Vs.

1.The Commercial Tax Officer,
Karaikudi - 630 001,
Sivagangai District.

2.The Commercial Tax Officer,
Nagercoil (Town),
Nagercoil.

... Respondents

PRYAER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the first respondent to return the cheque bearing No.000940/17.10.2015 for Rs.11,75,000/- drawn on Karur Vysya Bank, Karaikudi from the petitioner as per the representation made by the petitioner dated 23.10.2015.

For Petitioner : M/s.R.Hemalatha

For R1 & R2 : Mr.S.Angappan, Government Advocate

ORDER

The prayer in this writ petition is for mandamus directing the first respondent-the Commercial Tax Officer to return the cheque bearing No. 000940 dated 17.10.2015 for a sum of Rs.11,75,000/- to the petitioner.

2. According to the petitioner, while transporting goods to one of its customers, the consignment was intercepted and detained on 16.10.2015. The value of the goods was estimated at a figure of Rs.80,96535/- and tax of an amount of Rs.11,73,998/- demanded. A cheque was drawn by the petitioner for the aforesaid tax amount and handed over to the first respondent and it was upon and thereafter that the second respondent is said to have relaxed the goods.

3. No counter has been filed in this matter. However, Mr.Angappan, learned Government Advocate confirms that the cheque has not been encashed. In fact, he states that upon presentation, the cheque was not even honoured.



4. Be that as it may, since the prayer is only for return of cheque, in the light of the confirmation of Mr.Angappan that the same has not been encashed, nothing remains to be adjudicated in this writ petition and the same is closed. No costs.

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Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar

To

1.The Commercial Tax Officer,
Karaikudi - 630 001,
Sivagangai District.

2.The Commercial Tax Officer,
Nagercoil (Town),
Nagercoil.

+1 CC to M/s.R.HEMALATHA, Advocate (SR-76213[F] dated 19/07/2019)

+1 CC to M/s.SPL GP (SR-76413[F] dated 19/07/2019)

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MS/24.09.2019/2P.5C