



WEB COPY



W.P.No.14773 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.14773 of 2023

S.Rathanam

.. Petitioner

VS

1.The Additional Chief Secretary
Department of Prohibition and Excise,
Secretariat, Tamil Nadu Government,
Chennai – 600 009.

2.The Commissioner,
Department of Prohibition and Excise,
Chepauk, Chennai – 05.

3.The District Collector,
First Floor, Thiruchengodu Road,
Namakkal, Namakkal District – 637 003.

4.The Assistant Commissioner,
Excise Department,
Namakkal District Office,
Thiruchengodu Road,
Namakkal – 637 003.

5.The Divisional Excise Officer,
Divisional Excise Office,
Namakkal – 637 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents to
dispose my representation dated 17.12.2022 and to repay the



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Earnest Money Deposit and half month rental totally amounting Rs.27,500/- made by my husband along with 12% interest within time limit framed by this Court.

For Petitioner : Mrs.G.Vaishali
for M/s T.Fenn Walter Associates

For Respondents : Mr.Murali
Government Advocate

ORDER

The petitioner has sought a mandamus directing the respondents to dispose her representation dated 17.12.2022 seeking re-payment of Earnest Money Deposit and a half monthly rental totally amounting to a sum of Rs.27,500/- along with interest at 12%.

2. According to petitioner, her husband had participated in a public auction as early as 1984 in respect of arrack shop No.1 at Rasipuram. He had made an Earnest Money Deposit of a sum of Rs.2,500/-. His bid for Rs.50,000/- was provisionally accepted and he was asked to deposit half monthly rental amounting to Rs.25,000/-.

3. The petitioner thereafter suffered an order in R.O.C.No.718 of 1984 dated 19.05.1988 for recovery of a sum of



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Rs.5,34,000/- on account of loss incurred by the Government. The petitioner's husband preferred O.S.No.396 of 1989 that was decreed on 11.04.1994 to the effect that the order dated 19.05.1988 was unenforceable and granting a permanent injunction against such recovery.

4. According to the petitioner, the trial Court had also held that there was violation of Rules that had been committed by the appellant and hence before deciding the issue of compensation, notice shall be issued to the appellant. The Appeal Suit No.38 of 1996 filed by the petitioner was allowed on 29.04.2008. Thereafter, the petitioner's husband, according to her, has been requesting for refund of the amount paid and on 17.06.2016 passed away, without the efforts having borne any fruit.

5. The petitioner alleges that despite order of Court dated 29.11.2008 in A.S.No.38 of 1996, the respondents have been insisted that the petitioner remit the amount of Rs.5,34,000/-. It is in this background that she has sought a mandamus directing the respondents to dispose her representation dated 17.12.2022 for refund of the amounts.



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6. Mr.Murali, learned Government Advocate, who accepts notice for the respondents, in light of the acknowledgements of receipt of the petitioner's representation by the official respondents, fairly accedes to the suggestion of the Court that R5 dispose the petitioner's representation.

7. Thus, mandamus is issued to R5 / The Divisional Excise Officer, Divisional Excise Office, Namakkal, to hear the petitioner and dispose her representation dated 17.12.2022 in accordance with law, within a period of four weeks from date of receipt of a copy of this order.

8. Writ petition is disposed with above directions. No costs.

01.06.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

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2.The Commissioner,
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- 3.The District Collector,
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- 4.The Assistant Commissioner,
Excise Department, Namakkal District Office,
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DR. ANITA SUMANTH,J.

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