

(2014) 11 MAD CK 0525

Madras High Court (Madurai Bench)

Case No: W.P(MD) No. 18387 of 2014

P.K.M. Ibram Shah

APPELLANT

Vs

The District Manager

RESPONDENT

Date of Decision: Nov. 14, 2014

Acts Referred:

- Madras Prohibition Act, 1937 - Section 24, 24(a), 4(1)(A)

Hon'ble Judges: M. Venugopal, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

M. Venugopal, J.

Heard both sides.

2. The Petitioner has preferred the present Writ of Mandamus praying for passing of an order by this Court in directing the Respondent to consider the Petitioner's representation, dated 11.10.2014 and to refund Rs. 1,41,200/- (Rupees One Lakh Forty One Thousand and Two Hundred Only) deposited by the Petitioner as Security Deposit along with interest from 9.2.2013, the date when the Respondent sealed the Bar.

3. According to the Petitioner, he is running a Bar attached to TASMACH Shop No. 10265 at Woraiyur, Trichy. All of a sudden on 9.2.2013, the Respondent has sealed the Bar on the ground that fake liquor bottles were found in the Bar on a surprise raid being made without issuing any show- cause notice. Hence the Petitioner filed a Writ Petition in W.P(MD)No. 4600 of 2013 for a Writ of Mandamus directing the Respondent herein to remove the seal and allow him to continue the running of Bar pursuant to the licence issued to him. Ultimately, the Writ Petition was allowed by directing the Respondent to remove the seal affixed on the Bar attached to the TASMACH Shop No. 10265, at Woraiyur, Trichy as per order dated 27.3.2013.

4. It is the stand of the Petitioner that he made representation to the Respondent, dated 29.3.2013 to follow the order of this Court passed in the Writ Petition and to remove the seal affixed in the Bar attached to the TASMAL Shop No. 10625, but the Respondent has not complied with the order. A new licensee is running the Bar from that time onwards.

5. Under these circumstances, the Petitioner approached the Respondent and prayed for refund of Rs. 1,41,200/- deposited by him as security deposit at the time of obtaining licence. In spite of refunding the amount, the Respondent filed a criminal case against him and his workers for selling fake liquor bottles for offences under Sections 4(1)(A) r/w 24(a) and 24 of Tamil Nadu Prohibition Act in C.C.No. 139 of 2013 before the learned Judicial Magistrate No. IV, Trichy. In the said Criminal case, the Petitioner was acquitted finally on 24.2.2014. He made representation to the respondent on 22.4.2014 enclosing a copy of the judgement and requested him to refund the security deposit amount along with interest. However, there was no response from the Respondent. Hence he made another representation, dated 11.10.2014 through Registered Post. Though it was acknowledged, but the security deposit amount was not refunded to him.

6. In view of the fact that the Petitioner had made representation to the Respondent on 22.4.2014 together with a copy of the judgement in C.C.No. 139 of 2013, dated 24.2.2014 passed by the trial Court and also made a subsequent representation, dated 11.10.2014 through Registered Post seeking refund of the security deposit together with interest, the same till date has not been considered by the Respondent, this Court in the interest of Equity, fair play, good conscience and even as a matter of prudence, directs the Respondent to consider the representation of the Petitioner dated 22.4.2014 and the subsequent representation, dated 11.10.2014 in a fair, objective and dispassionate manner and to dispose of the same by passing a reasoned and speaking order on merits ascribing necessary reasons(after providing due opportunity of hearing to the Petitioner and others concerned by adhering to the Principles of natural justice) within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, the Writ Petition stands disposed of. No costs.