

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.4862 of 2010
and

M.P.No.1 of 2010

M.Somasundaram ... Petitioner

-vs-

- 1.The Union of India,
rep. by its Special Secretary,
Excise, Department of Excise,
Union Territory of Puducherry,
Puducherry.
- 2.The Excise Commissioner,
Excise Department of Union Territory
of Puducherry,
Puducherry.
- 3.The Deputy Collector (Excise),
Collectorate,
Puducherry. ... Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to provide reservation for the Scheduled Caste at the ratio of 16% in allotment of Licence for IMFL shops/Liquor Trade Business, pursuant to the Notification vide G.O.Ms.No.1 Excise dated 22.02.2010 on the file of Revenue and Disaster Management, Puducherry and to grant licence to the extent of 16% to Scheduled Caste applicants among the applicants.

For Petitioner : Mr.U.Karunakaran
For Respondents : Mrs.N.Mala
Addl. Government Pleader(Puducherry)
for R1 to R3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Learned Additional Government Pleader (Puducherry) appearing for the respondents states that the representation of the petitioner dated 24.02.2010 was disposed of on 16.03.2010, in pursuance to the direction of this Court dated 10.03.2010. The said decision dated

16.03.2010 has been produced before us.

2. A perusal of the decision dated 16.3.2010 shows that there is no provision in the Puducherry Excise Act, 1970 and the Rules made thereunder for any kind of reservation in issuing liquor licenses. A ban was imposed on issue of new licenses to private persons during the year 1989, which has, since been lifted. The trade in liquor is 'res extra commercium', in view of the observations of the Hon'ble Supreme Court. There is no fundamental right to deal in liquor trade, as set out in the decision. Similar liquor is stated to have been in question before the National Commission for Scheduled Castes, Chennai in regard to the representation made by the Puducherry State Adi-Dravidar Rights Protection Movement, Puducherry.

3. The aforesaid shows that decision on merits has been taken and no further directions are required.

4. Writ petition, thus, stands closed. No costs. Consequently, M.P.No.1 of 2010 is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Special Secretary,
Union of India,
Excise, Department of Excise,
Union Territory of Puducherry,
Puducherry.
- 2.The Excise Commissioner,
Excise Department of Union Territory of Puducherry,
Puducherry.
- 3.The Deputy Collector (Excise),
Collectorate,
Puducherry.

1 cc to The Senior Government Pleader-cum- Senior Public
Prosecutor, Sr.No.9318

pmk.6.3.2015

W.P.No.4862 of 2010