

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.26151 of 2015
and
M.P.Nos.1 and 2 of 2015

Sharmila

Proprietor of M/S.M.S.Wines
No.17, II Cross street
Azis Nagar, Reddiarpalayam
Puducherry-10.

... Petitioner

Vs.

1.The Collector
Government of Puducherry.

2.The Commissioner (Excise)
Chief Secretariat
Government of Puducherry.

3.The Deputy Commissioner (Excise)
Government of Puducherry.

4.M.Magayarassy @ Mangayarcarassy

5.Dhanasegarane

6.Shila

... Respondents

(R4 to R6 are represented by their duly
constituted Power Agent, Kannan)
(R4 to R6 are impleaded as per order
dated 12.10.2015 by RMDJ in M.P.No.2/2015
in W.P.No.26151 of 2015)

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus directing the
respondents, especially the 3rd to supply of liquor stocks to the
petitioner's retail liquor shop without any interruption as per
the conditions of the license with No.100/F12/2008-09 based on
the representation dated 18.08.2015.

For Petitioner : Mr.C.D.Sugumar

For RR1 to 3 : Mrs.N.Mala,
Additional Government Pleader(Pondy)

For RR4 to 6 : Mr.R.Subramanian

ORDER

Writ Petition has been filed seeking for a direction to the respondents, especially the third respondent to supply of liquor stocks to the petitioner's retail liquor shop without any interruption as per the conditions of the license with No.100/F12/2008-09 based on the petitioner's representation dated 18.08.2015.

2.Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and learned counsel appearing on behalf of the respondents 4 to 6.

3.The petitioner's deceased father was a licensee to run a liquor retail shop at Koodapakkam, Drowpathiamman Koil street, Puducherry in the name and style of M/S.M.S.Wines. Now, the dispute with regard to conduct the TASMAC shop at Puducherry among the legal heirs of the deceased is in question.

4.According to the learned counsel for the petitioner, the petitioner is authorised by the power of attorney executed by other legal heirs of the deceased, on which basis, she continued her business operation.

5.On the other hand, learned counsel for the respondents 4 to 6 (now impleaded) submitted that the power of attorney said to have been executed is disputed and furthermore, the same was cancelled. Since the power of attorney, which is the basis for the petitioner to continue her business operation, came to be cancelled, the authority forthwith stopped the supplies to the petitioner's shop.

6.Since the disputed questions among the heirs are raised, it is open to the authority to consider the petitioner as well as the respondents' submissions so as to pass an appropriate

order. Since the petitioner has also submitted her representations dated 18.08.2015 to the respondents, the respondents are directed to consider the said representations on merits and in accordance with law, after hearing the respondents 4 to 6 also within a period of four weeks from the date of receipt of a copy of this order.

7.With the above said direction, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Collector
Government of Puducherry.
- 2.The Commissioner (Excise)
Chief Secretariat
Government of Puducherry.
- 3.The Deputy Commissioner (Excise)
Government of Puducherry.

+lcc to Mr.C.D.Sugumar, Advocate, S.R.No.56051
+lcc to Mr.R.Subramanian, Advocate, S.R.No.56092
+lcc to the Government Pleader, S.R.No.56626

W.P.No.26151 of 2015
and

M.P.Nos.1 and 2 of 2015

CNR(CO)
CA(26/10/2015)

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