

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2015

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

WRIT PETITION No.33776 of 2015 and
M.P.Nos.1 & 2 of 2015

The Pride Hotel,
Represented by its General Manager,
Jaideep Prasad,
No.216,, EVR Periyar Salai,
Poonamallee High Road,
Kilpauk, Chennai.10

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary
Department of Prohibition and Excise,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Collector,
Chennai District, Chennai.

3.The Commissioner,
Prohibition & Excise Department,
Ezhilagam, Chepauk, Chennai - 600 005.

4.The Deputy Commissioner (Excise),
Chennai.

5.The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd.,
Gandhi Irwin Bridge,
Egmore, Chennai - 600 008.

.. Respondents

Writ petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertainig to the proceedings of the third respondent in Rc.No.P&E2(4)/5157/2015 dated 21.09.2015, rejecting the renewal of licence to run the Bar at in the Pride Hotel, No.216, EVR Periyar Salai, Poonamallee High Road, Kilpauk, Chennai - 600 010 and quash the same and

consequently direct the third respondent to renew the licence of the petitioner in No.11/2010-11 on merits and in accordance with the provisions of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.M.S.Ramesh,
Additional Government Pleader

ORDER

Writ Petition has been filed to call for the records pertaining to the proceedings of the 3rd respondent in Rc.No.P&E2 (4)/5157/2015 dated 21.09.2015, rejecting the renewal of licence to run the Bar at in the Pride Hotel, No.216, EVR Periyar Salai, Poonamallee High Road, Kilpauk, Chennai - 600 010 and quash the same and consequently direct the third respondent to renew the licence of the petitioner in No.11/2010-11 on merits and in accordance with the provisions of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981.

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

3.As per the Tamil Nadu Liquor (Licence and Permit) Rules, 1981, renewal of FL3 licence for the year 2015-2016 came to be rejected only on the ground that there is no provision for condoning the delay in filing the renewal application.

4.According to the learned counsel for the petitioner, they had in fact explained the actual delay, which is not huge in number, but the authority simply pointing out that there is no specific rule or provision to consider the belated submission of application for renewal, rejected the same. There is no outer time limit specifically for condoning the delay. Further, Rule 21 of Tamil Nadu Liquor (Licence and Permit) Rules, 1981 also proceeds to the effect that the licensing authority may admit such renewal application, even if it is belated, provided there are good and sufficient reasons for the delay. When such being the position, according to the Rule 21, the simple rejection that there is no specific rule or provision to consider the belated submission of application, cannot be accepted.

5.For the reasons stated above, the impugned order in Rc.No.P&E2(4)/5157/2015 dated 21.09.2015, is set aside and the matter is remitted back to the authority for passing appropriate orders on consideration of explanation for the delay submitted

by the petitioner after affording opportunity to him. Necessary orders be passed on or before 26.10.2015, failing which, supplies to the hotel of the petitioner be resumed forthwith pending disposal of the application.

6. With the above said direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd/-
ASSISTANT REGISTRAR (LA)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

Jbm

To

1. The State of Tamil Nadu,
Represented by the Secretary
Department of Prohibition and Excise,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Collector,
Chennai District, Chennai.

3. The Commissioner,
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Ezhilagam, Chepauk, Chennai - 600 005.

4. The Deputy Commissioner (Excise),
Chennai.

5. The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd.,
Gandhi Irwin Bridge,
Egmore, Chennai - 600 008.

+2 CC to Mr. R. Thiagarajan Advocate. SR.NO. 57470

W.P.No.33776 of 2015

CO-SLW
JD 19/10/2015