

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.12180 of 2016 and
W.M.P.No.10519 of 2016

R.Karunamoorthy

... Petitioner

Vs.

1.The Excise Commissioner,
Excise Department, Pondicherry.

2.The Commissioner,
Outgaret Commune Panchayat,
Pondicherry.

3.R.Govindan

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to forbear the 1st respondent from renewing the FL2 license for the period of 2016-17 in respect of Balaji Wines, Door No.1-4, Kamaraj Salai, Pondicherry, license No.34/FL2/2001-2002 subsequently renewed upto 2015-16 granted in favour of the 3rd respondent.

For Petitioner : Mr.K.V.Subramanian, Senior Counsel
for Mr.Abdul Wahab

For Respondents: Mrs.D.Reena Iswariya,
(R1 & R2) Additional Government Pleader
(Pondy)

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to forbear the 1st respondent from renewing the FL2 license for the period of 2016-17 in respect of Balaji Wines, Door No.1-4, Kamaraj Salai, Pondicherry, license No.34/FL2/2001-2002 subsequently renewed upto 2015-16 granted in favour of the 3rd respondent.

2.The petitioner submitted that the 3rd respondent is his brother and that the sister and others have filed a suit in O.S.No.572 of 2000 on the file of the Principal Sub Court, Pondicherry for partition. In the said suit, the plaintiffs therein obtained an order of status quo in I.A.No.2312 of 2000

by order dated 05.04.2001.

3.Mr.K.V.Subramanian, learned senior counsel appearing for the petitioner submitted that the order of status quo granted by the Civil Court still continues and that the suit is also pending.

4.On a perusal of the suit Schedule, it is clear that in the Schedule-C, all goods, funds, stock, profits, effects, rights & title on business in the name of "Balaji Wines" in License No.34/FL-2/2000-2001 at No.1/4, Kamaraj Salai, Pondicherry has been mentioned. Therefore, the order of staut quo obtained by the plaintiffs in the suit for partition is in respect of the business concerned viz., Balaji Wines. The Writ Petitioner has objected for renewing the license in the name of the 3rd respondent and has also given a representation before the respondents on 08.01.2016. However, the respondents have not considered the representation so far.

5.Mrs.D.Reena Iswariya, learned Additional Government Pleader (Pondy) taking notice for the respondents 1 & 2 submitted that the respondents may be directed to consider the petitioner's representation and decide the matter in accordance with law.

6.In view of the submissions made by the learned counsel on either side, I direct the 1st respondent to consider the petitioner's representation dated 08.01.2016 and consider the objections raised by the petitioner and decide the matter, on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

7.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

va

To

1.The Excise Commissioner,
Excise Department, Pondicherry.

2.The Commissioner,
Outgaret Commune Panchayat,
Pondicherry.

+1 cc to Government Pleader, (P), sr.20432
+1 cc to Mr.K.V.Subramanian, Advocate, sr.20417

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lrs co
kra 01.04.2016



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