

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.10.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

W.P.No.36664 of 2016 &
W.M.P.No.31520 of 2016

The District Club,
Rep. By its Secretary P.Arumugam
...Petitioner

Vs.

- 1.The Commissioner
Prohibition and Excise
Chepauk, Chennai 600 005.
- 2.The District Collector
Salem.
- 3.The Assistant Commissioner
Prohibition and Excise
Salem.
... Respondents

Prayer :

This Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the first respondent to grant renewal of FL-2 Lincence (Licence No.12/2009-10) for the Excise Year 2015-16 for running a Bar in the petitioner Club Premises at No.88, Kannan Kurichi Main Road, Hasthampatti, Salem 636 007.

For Petitioner : Mr.K.R.Krishnan
For Respondents : Mr.S.Diwakar
Special Govt.Pleader

O R D E R

Heard Mr.K.R.Krishnan, learned counsel appearing for the petitioner and Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition itself is taken up for disposal.

2.The petitioner/Club has come forward with this Writ Petition seeking for directing the first respondent to grant renewal of FL-2 Licence for the Excise year 2015-16, for running a Bar in their Club premises.

3.It is submitted that the petitioner/Club was formed in the year 1934 and it has been in existence for several decades and it is stated that the lands were leased out to the Club in the year 1968.

4.It appears that the land in which the petitioner-Club is functioning belongs to the Government, it has been leased to the petitioner and there is some dispute as regards the quantum of lease payable by the petitioner. However, when the matter was pending at that level, it appears that the District Collector had sent certain proceedings to the Commissioner of Prohibition and Excise, who had issued a show cause notice to the petitioner on 01.09.2016, pointing out five defects and called upon the petitioner to explain within seven days, as to why the licence should not be cancelled. The petitioner has given their reply on 12.09.2016. Now the matter is pending before the first respondent for passing appropriate orders.

5.In the light of the above, a direction is issued to the petitioner to submit a fresh explanation to the first respondent, within a period of one week from the date of receipt of a copy of this order and the first respondent shall consider the said explanation with regard to the defects which have been pointed out in the show cause notice and pass final orders on merits and in accordance with law, within a period of two weeks from the date of receipt of the explanation to be submitted by the petitioner. It is made clear that as long as the petitioner is the lessee/licencee of the land in question, the first respondent may consider as to whether the other contentions required to be complied with under the provisions of the Prohibition Act and the Rules framed there under will be looked into and may not be solely guided by the dispute regarding the lease rent payable by the petitioner.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpa

To

1.The Commissioner
Prohibition and Excise
Chepauk, Chennai 600 005.

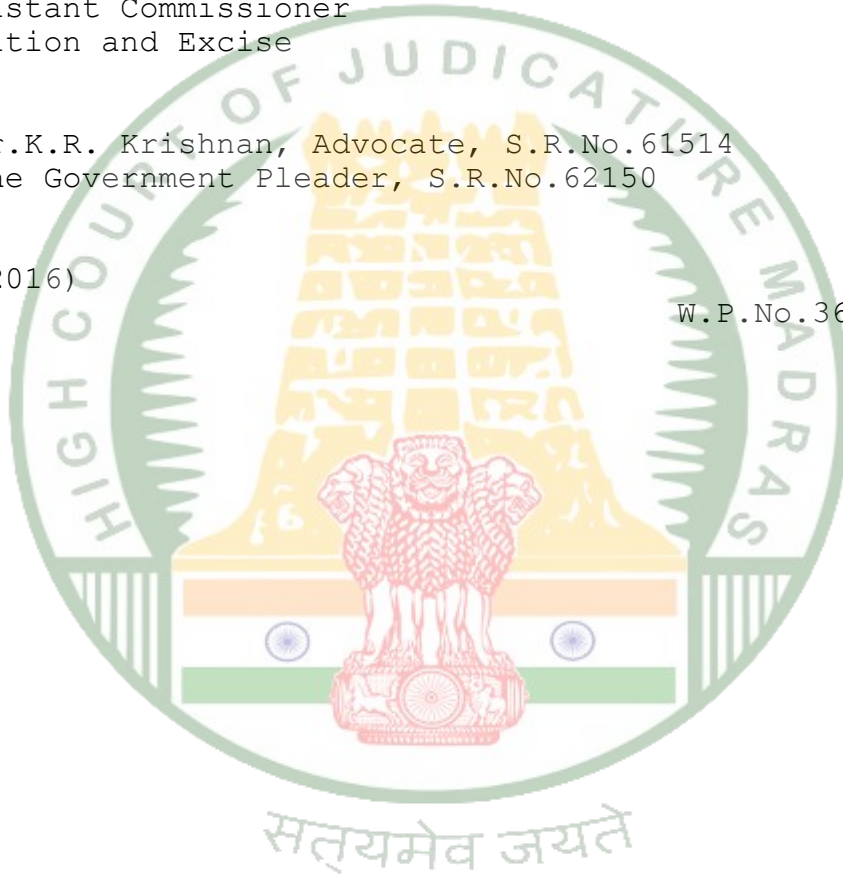
2.The District Collector
Salem.

3.The Assistant Commissioner
Prohibition and Excise
Salem.

+1cc to Mr.K.R. Krishnan, Advocate, S.R.No.61514
+1cc to the Government Pleader, S.R.No.62150

KJI (CO)
EU(03/11/2016)

W.P.No.36664 of 2016



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