

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

The HON'BLE Ms.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE Mr.JUSTICE M.SUNDAR

W.P.No.10813 of 2017
and
W.M.P.No.11752 of 2017

N.P.Kumanan

... Petitioner

Vs.

1. The Excise Commissioner,
Government of Puducherry-cum-
Secretary,
Planning and Finance,
Puducherry.

2. The Deputy Commissioner of Excise,
Karaikal-cum-Sub Collector / Deputy Collector
Revenue,
Karaikkal District,
Puducherry.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to consider and pass orders on the representation dated 20.04.2017 of the petitioner in regard to establishing of new wine shops within the prohibited distance of school and temple as stated in the representation.

For Petitioner : Mr.M.Krishnappan,
Senior Counsel
for Ms.R.Swarnalatha

For Respondents : Mr.R.Syed Mustafa,
Special Government Pleader
(Puducherry)

ORDER

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

In this writ petition filed in public interest, the petitioner has sought orders on the respondents to consider and pass orders on his representation dated 20.04.2017 qua opening of new wine shops within the prohibited distance of school and temple.

2. After hearing the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader (Puducherry) accepting notice on behalf of the respondents, we dispose of the writ petition by directing the first respondent to consider the representation of the petitioner dated 20.04.2017 at page No.1 of the typed set of papers in accordance with law as expeditiously as possible and in any event within one month from the date of receipt of a copy of this order.

3. Needless to mention that the liquor shop shall only be located / opened in accordance with law and in particular the Pondicherry Excise Rules, 1970 framed under the Pondicherry Excise Act, 1970, taking into consideration the judgments of the Supreme Court of India and of this Court in this regard.

4. No costs. Consequently, W.M.P.No.11752 of 2017 is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vvk

To:

1. The Excise Commissioner,
Government of Puducherry-cum-
Secretary,
Planning and Finance,
Puducherry.
2. The Deputy Commissioner of Excise,
Karaikal-cum-Sub Collector / Deputy Collector
Revenue,
Karaikkal District,
Puducherry.

+1cc to M/s.R.Swarnalatha, Advocate, S.R.No.25830
+1cc to the Special Government Pleader(Pondy), S.R.No.36513

W.P.No.10813 of 2017

BR(CO)
CA(05/05/2017)