

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.03.2017

CORAM

THE HONOURABLE MR. HULUVADI G.RAMESH, ACTING CHIEF JUSTICE  
AND  
THE HONOURABLE MR. JUSTICE M.SUNDAR

W.P. NO. 5928 OF 2017  
AND  
W.M.P. NO. 6335 OF 2017

G.Satheesh Kumar

.. Petitioner/Petitioner

- Vs -

1. The Union Territory of Puducherry  
rep. By the Lieutenant Governor  
Raj Nivas, Puducherry.

2. The Commissioner of  
Central Excise & Service Tax  
No.1, Goubert Avenue  
Beach Road, Puducherry 605 001.

3. The Deputy Commissioner  
Thattanchavaday  
Puducherry 605 006.

... Respondents/Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents 2 and 3 from bearing licensing bar shop to close proximity of the temple situated at Survey No.197/2 & 3 and in survey No.192 of Kuruvitham, Bahur Sub Taluk, Puducherry.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.Reena Iswarya, AGP (Pondy)

ORDER

(DELIVERED BY THE HON'BLE ACTING CHIEF JUSTICE)

This petition has been filed by the petitioner for a direction on respondents 2 and 3 from granting any license for bar shop which is in close proximity to the temple situated at Survey No.197/2 & 3 in survey No.192 of Kuruvitham, Bahur Sub Taluk, Puducherry.

2. Heard the learned counsel appearing for the petitioner

and the learned Addl. Government Pleader appearing for the respondents.

3. It is the grievance of the petitioner that license for a liquor shop is granted, which is adjacent to the Ayyanar Temple. It is the submission of the petitioner that the said liquor shop is causing nuisance to the devotees coming to the temple and, therefore, plea is raised to shift the liquor shop to some other place. Reliance is also placed on the Puducherry Excise Rules, 1970, which mandates establishing of such shops 300 mtrs., away from religious and educational institutions, public places, etc. In such view of the matter, the petitioner submitted a representation to the respondents for relocation of the liquor shop which is adjacent to the Ayyanar Temple. Since no action has been taken on the said representation, the present petition is filed.

4. The main grievance of the petitioner is that no action has been taken on the representation submitted by the petitioner to the respondents. In view of the limited relief sought for, without going into the merits of the matter, suffice to direct the respondent authorities to deal with the said representation and pass necessary orders in accordance with law after hearing the affected parties.

5. Accordingly, this writ petition is disposed of directing the respondent authorities to pass orders on the said representation in accordance with law after giving an opportunity of hearing to the affected parties. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

GLN

To

1. The Lieutenant Governor  
Union Taxiation of Pondicherry,  
Raj nivas, Puducherry.
2. The Commissioner of  
Central Excise & Service Tax  
No.1, Goubert Avenue  
Beach Road, Puducherry 605 001.

3. The Deputy Commissioner  
Thattanchavaday  
Puducherry 605 006.

+1cc to Government Pleader SR.No.15457

W.P. NO. 5928 OF 2017

RSI (CO)  
GN(03/04/2017)



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