

In the High Court of Judicature at Madras

Dated : 04.9.2017

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.18356 of 2017 & WMP.No.19929 of 2017

Ambattur Developers Pvt. Ltd.,
rep.by its Executive Vice
President, Chennai-58.

...Petitioner

Vs

1.State of Tamil Nadu, rep.by the
Principal Secretary, Department of
Prohibition & Excise, Fort.St.George,
Chennai-9.

2.The Commissioner of Prohibition
& Excise, Park Town, Chennai-3.

3.The Taluk Excise Officer, Guindy
Taluk, Chennai-32.

4.The District Collector, No.62,
Rajaji Salai, Chennai-1.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus to
call for the records in connection with the order of the third
respondent in their letter Lr.No.E/15/2017 dated 19.4.2017,
quash the same and consequently forbear the respondents from
interfering with the petitioner's FL3 License.

For Petitioner : Mr.P.S.Raman, SC for Mr.C.Seethapathy

For Respondents : Mr.S.T.S.Murthy, AAG assisted by
Mrs.A.Srijayanthi, SGP

ORDER

Heard Mr.P.S.Raman, learned Senior Counsel appearing for
the petitioner.

2. The petitioner seeks to quash the proceedings of the
third respondent and consequently forbear the respondents from
interfering with the petitioner's FL3 License.

3. The Hon'ble Supreme Court, in the case of Arrive Safe Society of Chandigarh Vs. Union Territory of Chandigarh and another [S.L.P. (Civil) No.10243 of 2017] dated 11.7.2017, clarified the position as to whether the earlier orders would have an impact in respect of the bars situated within the municipal areas. The clarification issued by the Hon'ble Supreme Court is to the following effect :

"The purpose of the directions contained in the order dated 15.12.2016 is to deal with the sale of liquor along and in proximity of highways properly understood, which provide connectivity between cities, towns and villages. The order does not prohibit licensed establishments within municipal areas. This clarification shall govern other municipal areas as well. We have considered it appropriate to issue this clarification to set at rest any ambiguity and to obviate repeated recourse to IAs, before the Court."

4. In the light of the above, there can be no impediment for the petitioner to carry on its activities in terms of the licence granted by the Excise Authorities.

5. The learned Additional Advocate General appearing for the respondents would submit that the above direction issued by the Hon'ble Supreme Court has been implemented and that the petitioner has been permitted to commence their vending operations in the licensed premises.

6. In the light of the subsequent development, no further orders are required.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, the above WMP is also dismissed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

RS

To

1.The Principal Secretary to the Government of of Tamil Nadu,
Department of Prohibition & Excise,
Fort.St.George, Chennai-9.

2.The Commissioner of Prohibition & Excise, Park Town, Chennai-3.

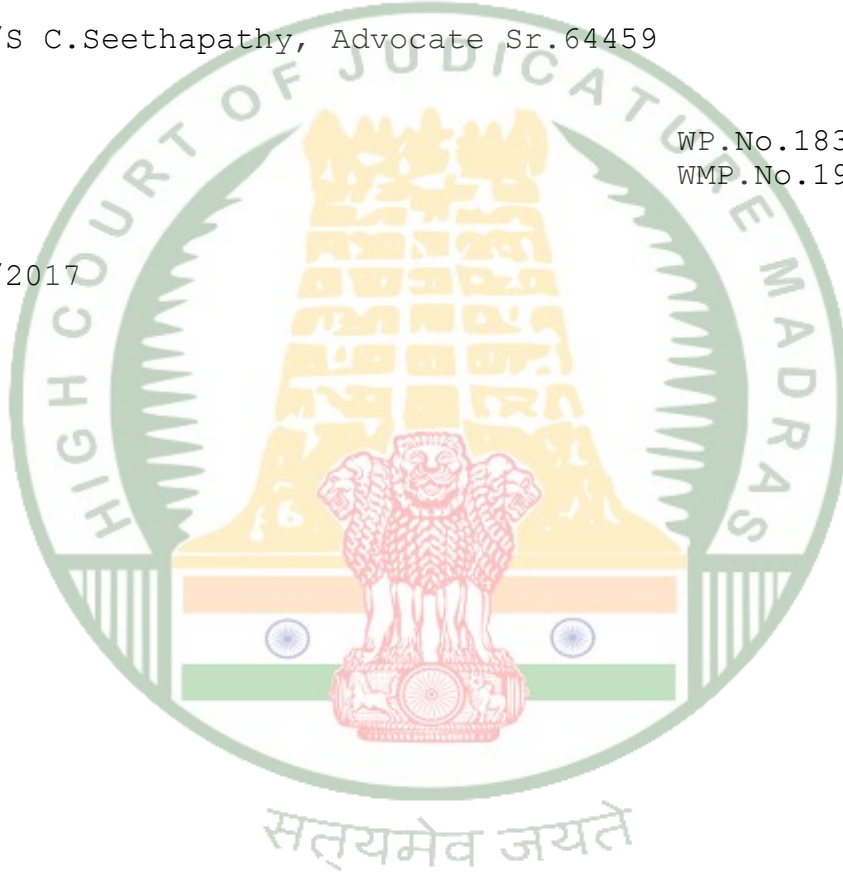
3.The Taluk Excise Officer, Guindy Taluk, Chennai-32.

4.The District Collector, No.62, Rajaji Salai, Chennai-1.

+lcc to M/S C.Seethapathy, Advocate Sr.64459

WP.No.18356 of 2017&
WMP.No.19929 of 2017

SAI (CO)
rvr 03/10/2017



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