

In the High Court of Judicature at Madras

Dated : 21.11.2017

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.29719 of 2017 & WMP.No.32040 of 2017

R.Gopalamurthy

...Petitioner

Vs

1.The Chief Secretary, Secretariat,
Beach Road, Puducherry.

2.The Excise Commissioner,
Department of Excise,
O/o Chief Secretary, Secretariat,
Beach Road, Puducherry.

3.The Deputy Commissioner (Excise),
Department of Excise,
Thattanchavadi, Puducherry-9.

4.The Special Tahsildar, Department
of Excise, Thattanchavadi,
Puducherry-9.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus forbearing the
second respondent from issuing licence for running wine shop at
Puvankare Street (Point Care Street), Thillainagar,
Mudhaliyarpur, Puducherry.

For Petitioner : Mr.G.Pugazhenthir

For Respondents : Mr.J.Kumaran, GA (Puducherry)

ORDER

Mr.J.Kumaran, learned Government Advocate (Puducherry)
accepts notice for the respondents. Heard both. By consent, the
writ petition itself is taken up for final disposal.

2. The petitioner seeks for the issuance of a Writ of
Mandamus to forbear the second respondent from issuing licence
for running a wine shop at Puvankare Street (Point Care
Street), Thillainagar, Mudhaliyarpur, Puducherry. In this
regard, representations have been sent to the respondents
wherein it has been highlighted that the shop is proposed to be

located in the very same premises, which was closed down pursuant to the directions of the Hon'ble Supreme Court.

3. The licensee of the said shop is one Mr.K.Muthukumarasamy. However, the said licensee has not been impleaded as a party respondent in this writ petition.

4. The learned Government Advocate appearing for the respondents would submit that the shop is permitted to be reopened on account of the clarificatory order passed by the Hon'ble Supreme Court.

5. In the representations, apart from stating that the shop should not be located in the very same premises, certain other factors have also been mentioned to show that if the shop is allowed to be reopened, it would be of much nuisance to the residents of the area. In any event, since the representations are pending, it is but appropriate for the authorities to consider the same.

6. Accordingly, the writ petition is disposed of with a direction to the third respondent to consider the representations of the petitioner dated 27.9.2016, 11.7.2017 and 19.9.2017 and pass orders on merits and in accordance with law, after calling for a field report from the appropriate authority. The above exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Chief Secretary, Secretariat, Beach Road, Puducherry.

2.The Excise Commissioner, Department of Excise, O/o Chief Secretary,
Secretariat, Beach Road, Puducherry.

3.The Deputy Commissioner (Excise), Department of Excise,
Thattanchavadi,
Puducherry-9.

4.The Special Tahsildar, Department of Excise,
Thattanchavadi,Puducherry-9.

+ 1 cc to Mr.G.Pugazhenthithi, Advocate,SR.82533

+ 1 cc to The Govt.Pleader(Puducherry), SR.83092

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NR 08/12/2017



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