



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

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CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.A. [MD] .No.423 of 2017
and
C.M.P (MD) .No.3926 of 2017**

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

2. The Assistant Commissioner, [Excise],
Virudhunagar District, Virudhunagar.

: Appellants/
Respondents

Vs.

Harshini Recreation Club,
Represented by its Secretary,
C.Rajamanickam,
10/1, Anuppankulam,
Krishnankoil Road, Virudhunagar District.

: Respondent/
Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 16.10.2015 made in W.P.(MD).No.13094 of 2015, on the file of this Court.

Prayer in WP(MD). 13094/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 1st respondent to renew the petitioner s FL-2 license no. 12/2012-13 for the period 2015-16. .

For Appellants : Mr.V.Muruganantham
Government Advocate

For Respondent : Mr.K.Gokul

**JUDGMENT**

WEB COPY [Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Muruganantham learned Additional Government Pleader appearing for the appellants and Mr.K.Gokul, learned counsel appearing for the respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This Writ Appeal is directed against the order dated 16.10.2015, made in W.P.(MD).No.13094 of 2015.

3. The Writ Petition was filed by the respondent herein, challenging the order passed by the first appellant herein, dated 21.09.2015, rejecting the application filed by the respondent for renewal of FL-2 licence for the period 2015 - 2016. The undisputed fact is that the licence was granted to the respondent, Recreation Club, during the year 2012, in terms of Rule 21 of the Tamil Nadu Liquor (Licence and Permit) Rules 1981. The application for renewal has to be submitted at least one month before the date of expiry of the licence. Further, the Rule envisages that when an application for renewal of the license has not been made within the stipulated period, the Licensing Authority may admit such an application, provided, there are good and sufficient reasons for the delay on payment of additional fee of 25% of the prescribed licence fee.

4. Admittedly, the respondent did not file the renewal application within a period of one month before the date of expiry of the licence, but, filed such an application belatedly along with additional fee of 25% of the prescribed licence fee and cited medical reasons on the part of the Secretary of the respondent for the delay. The Writ Court considered the fact that there was a delay of 30 days and permitted the respondent to submit the application for renewal, subject to payment of cost of Rs.10,000/- (Rupees Ten thousand Only) and the same has been complied with and subsequently, the second appellant has renewed the licence, vide his proceedings dated 30.01.2016. However, the present Writ Appeal was presented only on 15.03.2017. In the order of rejection of the application for renewal, the appellants have not disbelieved the reasons cited by the respondent for not being able to present the renewal application within the stipulated time. That apart, there is no *mala fide* alleged against the respondent. Thus, the reasons assigned by the Writ Court are perfectly valid and therefore, the order passed by the Writ Court does not call for any interference, at the hands of this Court.



5. In the result, the Writ Appeal is dismissed, confirming the order dated 16.10.2015 made in W.P.(MD).No.13094 of 2015. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Record)

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/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Prohibition and Excise Department,
Ezhilagam, Chepauk, Chennai 600 005.
2. The Assistant Commissioner, [Excise],
Virudhunagar District, Virudhunagar.

Nb/myr

vb/jc/03.05.2017/3p/3c

**JUDGMENT MADE IN
W.A. [MD] .No.423 of 2017
20.04.2017**