

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 14.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.17356 of 2017****and****W.M.P (MD) No.13892 of 2017**

N.Vanjimuthu

... Petitioner

Vs.

1. The Commissioner of Prohibition & Excise,
Ezhilagam Main Building,
Chepauk, Chennai 600 005.

2. The District Collector,
Dindigul District.

3. The Assistant Commissioner (Excise),
Dindigul.

4.R.Rajangam

... Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the respondents 1-3 herein from in any way granting FL.3 licence to the 4th respondent to run a Bar in ground floor in S.No.412A/3, Batlagundu Village, Nilakkottai Taluk, without following due process of law and mandatory statutory compliance of procedure of valid lease for Bar premises or renewal of lease by petitioner to the 4th respondent.

For Petitioner : Mr.V.Janakiramulu

For Respondents : Mr.S.Kumar,
Additional Government Pleader
for R.1to R.3
No appearance for R.4

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.



dispensed with, as no adverse order is passed in this petition against him.

3. This writ petition has been filed by the petitioner, seeking a Writ of Mandamus forbearing the respondents 1-3 from in any way granting FL.3 licence to the 4th respondent to run a Bar in Ground floor in S.No.412A/3, Batlagundu Village, Nilakkottai Taluk.

4. The case of the petitioner is that he has been administering the building in question in the capacity of Manager and the fourth respondent, even after the expiry of the lease period in the year 2007 itself, continued to run the Bar, instead of vacating the premises and handing over the same to the petitioner. In this regard, several writ petitions came to be filed by both the parties, which resulted in renewal of FL.3 licence till 2014-15. In the meanwhile, pursuant to order of the Hon'ble Supreme Court, the Bar in question was closed. Followed by the clarificatory order, the fourth respondent again approached the authorities concerned for FL.3 licence and hence, the petitioner is before this Court.

5. According to this Court, this writ petition itself is not maintainable, since the petitioner's earlier writ petition came to be dismissed as infructuous, pursuant to the clarificatory order passed by the Hon'ble Supreme Court in Arrive Safe Society of Chandigarh v. The Union Territory of Chandigarh and another [Special Leave Petition (Civil) No.10243 of 2017, decided on 11.07.2017]. Further, the fourth respondent's writ petition in W.P.(MD)No.22585 of 2016, seeking renewal of FL.3 licence for the year 2016-17 also came to be dismissed. It is pertinent to mention here that once the renewal of lease for the year 2016-17 was not accepted by the petitioner, then the question of granting FL3 license for the year 2017-18 in the absence of lease deed, does not arise at all.

6. Under such circumstances, this Court is of the view that no further order is required to be passed in this writ petition and the same is dismissed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

<https://hcservicechennai.com/mis/cis/>
The Commissioner of Prohibition & Excise,
Ezhilagam Main Building,
Chepauk, Chennai 600 005.



2. The District Collector,
Dindigul District.

3. The Assistant Commissioner (Excise),
Dindigul.

+1cc to M/S. V.JANAKIRAMULU, Advocate, SR.No.78892.

+1cc to Special Government Pleader, SR.No.79191.

ORDER MADE IN
W.P (MD) No.17356 of 2017
and
W.M.P (MD) No.13892 of 2017
14.09.2017

gk

SDS/RSK/SAR 1/15.09.2017/3P/6C