



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

W.P. (MD) No.5218 of 2017

R.Tharanipathi

... Petitioner

Vs.

The Commissioner,
Excise and Prohibition,
Chepauk,
Chennai - 600 005.

... Respondent

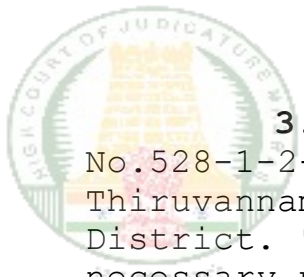
PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings dated 16.08.2016 passed in Ni.Mu.Ma.(Ma+) Aa.2(1)/2655/2016 on the file of the respondent herein and to quash the same and direct the respondent to grant FL-3 license to the petitioner, to his Andal Hotel at No.528-1-2-3 Venkateswarapuram Village, Tiruvannamalai, Srivilliputtur Taluk, Virudhunagar District by considering the application dated 06.02.2014 followed by the representation dated 27.02.2017 within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.R.Sathan Boopathy
For Respondent : Mr.T.R.Janarthanam
Additional Government Pleader

O R D E R

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to quash the proceedings dated 16.08.2016 passed in Ni.Mu.Ma.(Ma)Aa.2(1)/2655/2016 on the file of the respondent herein and direct the respondent to grant FL-3 license to the petitioner, to his Andal Hotel at No.528-1-2-3 Venkateswarapuram Village, Tiruvannamalai, Srivilliputtur Taluk, Virudhunagar District by considering the application dated 06.02.2014 followed by the representation dated 27.02.2017 within a time frame as may be fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

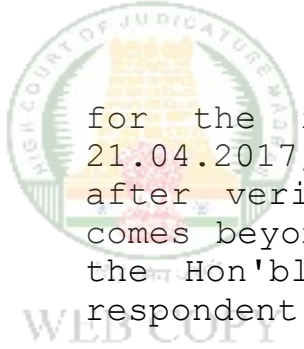


3. The petitioner is the owner of the land bearing Survey No.528-1-2-3 to an extent of 2 acres and 98 cents, situated in Thiruvannamalai Village, in Srivilliputtur Taluk at Virudhunagar District. The petitioner constructed a Star Hotel after obtaining necessary permission from the Department of Tourism, Government of India and the same was approved by the proceedings in GOIT/MAS/HTL/APL/2001(TN)/10 dated 29.05.2001. The petitioner made an application to the respondent on 24.02.2014 to grant F.L-3 license under the Tamil Nadu Liquor (License and Permit Rules) 1981 and the petitioner deposited a sum of Rs.3,00,000/-, Rs.10,00,000/- and Rs.3,000/- towards the privilege fee, license fee and application fee to the credit of the respondent. The respondent by letter dated 15.07.2014 requested the District Collector to send a detailed report after inspection of the premises by the Assistant Commissioner (Excise) Virudhunagar District and the copy of the same has been forwarded to the petitioner. The respondent requested the Commissioner of Tourism, Chennai to inform whether the Hotel satisfied the criteria laid down for a Star Hotel under Rule 2 (xvi) of the Tamilnadu Liquor (License and Permit) Rules 1981 and to inform further the gradation of Star, if any awarded to the hotel. Though the petitioner complied with the formalities as required by the respondent and as per the Act, the respondent has not considered the petitioner's application for FL-3 license. Therefore, the petitioner filed a writ petition before the Principal Seat of this Court in W.P.No.15581 of 2016 for issuance of writ of mandamus and the writ petition was ordered on 28.04.2006 directing the respondent to consider the representation of the petitioner and pass orders within eight weeks. Even thereafter, the respondent did not pass any order within a stipulated time and did not issue license and hence, the petitioner has submitted a representation dated 27.02.2017 to the respondent to issue FL-3 license with effect from 01.04.2017 and enclosed all the documents required once again. Till date, the respondent has not issued FL-3 license to the petitioner. Therefore, he has come forward with the present writ petition.

4. The learned Additional Government Pleader has filed the copy of the proceedings of the Assistant Commissioner, Excise, Virudhunagar District and in that proceeding, it is stated that the application given by the petitioner is under process on verification, it is also found established that the hotel is situated beyond 500 mtrs. from the National Highways. The learned Additional Government Pleader therefore submitted that the respondent has got no impediment for granting FL-3 license and if this Court fixed time limit, the respondent will process the application for granting FL-3 license and grant license to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5. From the perusal of materials and upon hearing the submission of the learned Additional Government Pleader appearing



for the respondent and after perusing the proceeding dated 21.04.2017, it is seen that the process is under final stage and after verification, the respondent has stated that the hotel comes beyond 500 mtrs from the National Highways as stipulated by the Hon'ble Supreme Court and there is no impediment for the respondent to issue FL-3 license to the petitioner.

6. In such circumstances, the respondent is directed to dispose of the application of the petitioner for grant of FL-3 license in accordance with law within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Excise and Prohibition,
Chepauk,
Chennai - 600 005.

+ 1 CC TO Mr.N.SUBRAMANIAN, ADVOCATE IN SR No. 54191

CM
TE/SV : 23/05/2017 : 3P/3C

W.P.(MD) No.5218 of 2017
25.04.2017