



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2017

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P (MD) No.9280 of 2017

and

WMP (MD) Nos.7050 and 7051 of 2017

Hotel Rathna Residency,
represented by its General Manager,
K.M.Alagappan

: Petitioner

-vs-

1. The District Collector,
Madurai.
2. The Assistant Commissioner,
Excise, Collectorate,
Madurai.
3. The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Madurai.

: Respondents

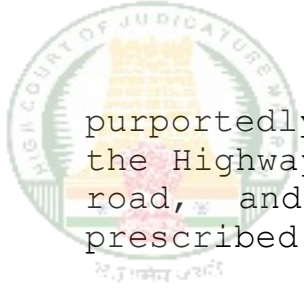
Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari to call for the records of the impugned order passed by the 1st respondent in No.15983/2016/x2, dated 31.03.2017 and quash the same.

For Petitioner	: Mr.RM.Arun Swaminathan for M/s.Chettinad Legal Solutions
For Respondents	: Mr.B.Pugalendhi Additional Advocate General assisted by Mr.M.Muniyandi

O R D E R

The writ petition has been filed seeking to call for the records of the impugned order passed by the first respondent, dated 31.03.2017 and quash the same.

2.The learned counsel for the petitioner submitted that the petitioner is aggrieved on account of the unilateral action of the respondents herein in cancelling the licence of the petitioner



purportedly. He further submitted that the bar is located not on the Highway road, but in the street located far away from the main road, and which falls well outside the distance limit as prescribed by the Hon'ble Supreme Court.

3. The learned Additional Advocate General appearing for the respondents submitted that the bar was closed in strict compliance with the order of the Hon'ble Supreme Court and that it falls well within the distance prescribed by the Hon'ble Supreme Court. He averred that the same can be demonstrated to the petitioner yet again, if it is his grievance that the bar falls outside the distance as prescribed.

4. In view of the submissions made on either side, this petition is disposed of directing the respondents to give an effective notice to the petitioner within a period of two weeks and opportunity to participate in the proceedings, before reviewing its order cancelling FL.3 licence issued to the petitioner. It is, however, made clear that the order directing closure of the bar in the hotel of the petitioner will continue to have the effect. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai.
2. The Assistant Commissioner,
Excise, Collectorate,
Madurai.
3. The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
Madurai.

+ 1 CC TO M/s.CHETTINAD LEGAL SOLUTIONS, IN SR No. 56824
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 57010

ER

TE/RSK/SAR-III : 19/05/2017 : 2P/6C

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