

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2018

CORAM

The Hon'ble Mr.Justice T.S.Sivagnanam

W.P.No.980 of 2018
and
W.M.P.No.1169 of 2018

Razendhiran Maleappane

... Petitioner

Vs.

1. The Deputy Collector (Excise),
Pondicherry - 605 001.

2. The Station House Officer,
Odiansalai Police Station,
Pondicherry - 605 001.

3. Manet Ravi

4. Pratap Pierre Gerard De Condappa

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to cancel the revocation of the Excise License No.134/FL2/2017-2018 and consequently forebear the respondents from interfering in the day to day affairs of the business of the petitioner of Le Club & Hotel De Pondicherry at No.38, Rue Dumas Street, Pondicherry - 605 001.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.J.Kumaran
Government Advocate (Pondicherry)
for R1 & R2.

ORDER

Heard Mr.M.Ravi, the learned counsel appearing for the petitioner, and Mr.J.Kumaran, the learned Government Advocate accepting notice on behalf of the respondents 1 and 2. Since the Writ Petition is disposed of, at the admission stage itself, and considering the nature of order that is to be passed herein, notice to third and fourth respondents is dispensed with.

2. The petitioner is one Razendhiran Maleappane, and has approached this Court, by way of this Writ Petition, praying for

a direction upon the first respondent to cancel the revocation of the Excise License, bearing No.134/FL2/2017-2018, and consequently, forbear the respondents from interfering in the day-to-day affairs of the business of Le Club & Hotel De Pondicherry, Pondicherry.

3. The licence for running the Bar and residence was issued in the name of the third respondent. The petitioner appears to have entered into some work arrangement with the third respondent and claims that, he has been managing the Bar and residence, and has been remitting the licence fee. He has obtained food safety licence by remitting necessary fee. There is no dispute between the third respondent and the fourth respondents, who are owners of the premises, where, the Bar and residence are functioning. I find that the Rent Control proceedings were initiated by the fourth respondent, in which, the petitioner has been impleaded as the second respondent, and the third respondent herein as first respondent.

4. Be that as it may, as long as the petitioner is not the licensee, he has no vested right to carry on trade in liquor. Therefore, the action of the respondents 1 and 2, in sealing the premises, pursuant to the surrender of licence by the third respondent cannot be faulted. However, considering the claim made by the petitioner that he has been carrying on the trade for all these years, which is well within the knowledge of the Officials of the respondents 1 and 2, it is open to the petitioner to approach the Deputy Collector (Excise) Pondicherry, by way of appropriate representation, who shall consider the same after issuing notice to the respondents 3 and 4.

5. For the above reasons, the relief sought for by the petitioner, in this Writ Petition, cannot be granted. Accordingly, this Writ Petition stand dismissed, giving liberty to the petitioner to approach the Deputy Collector (Excise) Pondicherry, by way of appropriate representation ventilating his grievance, which shall be considered and decided after issuing notice to the respondents 3 and 4 as expeditiously as possible, preferably, within a period of eight weeks, from the date on which, the representation is made. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Collector (Excise),
Pondicherry - 605 001.

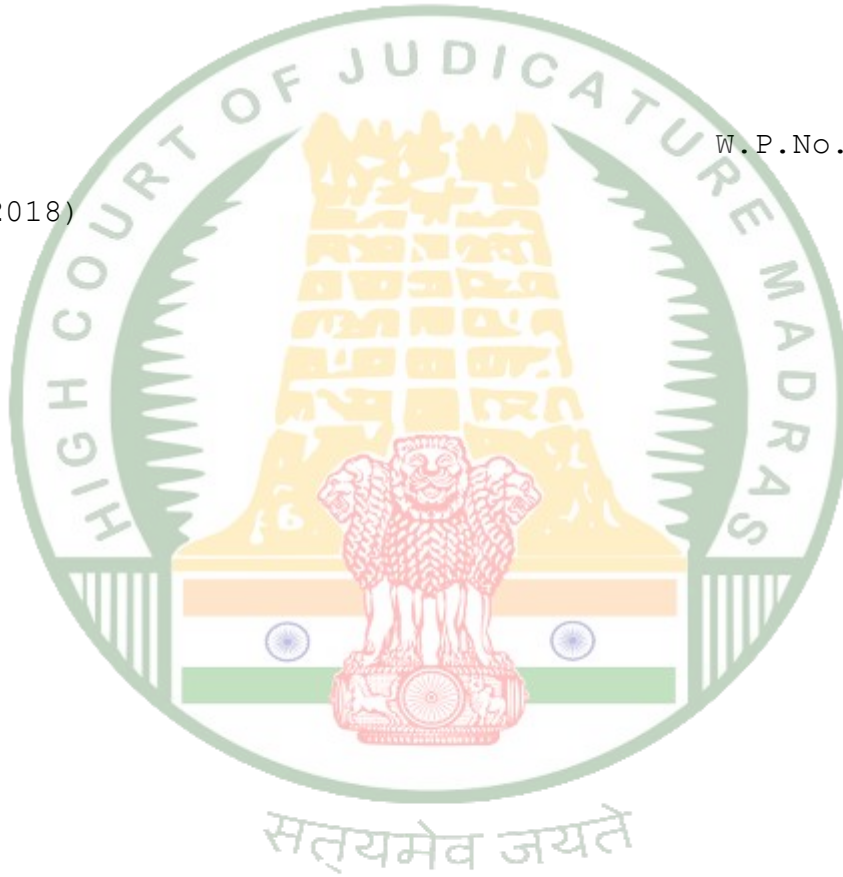
2. The Station House Officer,
Odiansalai Police Station,
Pondicherry - 605 001.

+1 CC to Mr.M. Ravi, Advocate sr 3543.

+1 CC to Govt. Pleader (Pondicherry)sr 4043

W.P.No.980 of 2018

SP(05/02/2018)



WEB COPY