

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.12750 of 2017

M/s.Dharani Associates  
Dharani's Recreation Club  
Rep by its Secretary  
T.Lakshmipathy  
No.427/5, Kugaiyanallur Village  
Via Thiruvalam, Katpadi Taluk  
Vellore District.

...Petitioner

Vs.

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

2.The District Collector  
Vellore District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to renew the bar license and permit the petitioner's recreation club by namely Dharani Associates and Recreation Club for the year 2017-2018 by receiving necessary privilege fees and thereby direct the respondents to permit the petitioner to run his club in the very same existing place i.e. namely No.427/5, Kugaiyanallur Village, Via Thiruvalam, Katpadi Taluk, Vellore District by considering his representation dated 03.05.2017.

For Petitioner : Mr.S.Rajesh Kanna

For Respondents : Mr.J.Pothiraj  
Special Government Pleader

O R D E R

Heard, Mr.S.Rajesh Kanna, learned counsel for the petitioner and Mr.J.Pothiraj, learned Special Government Pleader appearing on behalf of the respondents.

2.The petitioner is a recreation club called M/s.Dharani Associates. Dharani's Recreation Club is functioning in Katpadi Taluk, Vellore District. The petitioner is a society registered under the Tamil Nadu Societies Registration Act, 1975, bearing Registration No.37/2013 on the file of the Registrar of the Societies, Vellore. The petitioner was granted a license in form FL2 for possession of liquor and for supply to the members of the society. The license was issued to the petitioner on 15.06.2015 and it was renewed on 08.11.2016 for the Excise year 2016-2017.

3.However, due to the order passed by the Hon'ble Supreme Court stating that the petitioner's premises is located within the prohibited distance of 500 metres from the state highway, the petitioner had to close down the bar with effect from 01.04.2017 and reported the same to the respondent by letter dated 18.03.2017, which was received in the office of the respondent on 23.03.2017. Copies of the same were also forwarded to the Commercial Tax Officer, Gudiyatham (East) as well as the District Collector, Vellore District.

4.Subsequently, the order passed by the Hon'ble Supreme Court was modified by order dated 31.03.2017. By relying upon the said order, a representation has been given by the petitioner to the first respondent on 03.05.2017 stating that their recreation club is situated 380 metres from state highway and the population of Kugaiyanallur village is within 5000 people and therefore, in terms of direction issued by the Hon'ble Supreme Court, they are entitled to run the recreation club along with the bar facilities and requested the first respondent to permit the petitioner to reopen the bar and allow them to remit the necessary privilege fee as per the rules.

5.This representation has been received in the office of the first respondent on 03.05.2017 as could be seen from the date seal affixed to the copy of the representation. Since the representation is pending and no orders have been passed from the month of May 2017, the petitioner is before this Court.

6.Though the respondents were served and entered appearance through counsel, no counter affidavit has been filed. Be that as it may, since the petitioner claims that in terms of the recent order passed by the Hon'ble Supreme Court, the petitioner is entitled to run the recreation club along with the bar facilities, the first respondent should consider the same because the closure of the bar was on account of the earlier order of the Hon'ble Supreme Court.

7.The learned Special Government Pleader appearing for the respondents would submit that the reasonable time may be granted

to the respondents.

8. In the light of the above, there will be a direction to the first respondent to consider the representation dated 03.05.2017 and pass orders on merits and in accordance with law, within a period of four(4) weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of. No costs.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

may a

To

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

2.The District Collector  
Vellore District.

+1cc to Mr.A.Rajesh Kannan, Advocate, S.R.No.6801

+1cc to the Government Pleader, S.R.No.7004

W. P. No.12750 of 2017

RRK(08/02/2018)



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