

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1440 of 2018

Smt.C.Devaki

... Petitioner

Vs.

1.The Commissioner (Excise),
Government of Puducherry,
Puducherry.

2.The Deputy Commissioner (Excise)
Government of Puducherry,
Puducherry.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to renew the petitioner's FL-2 License No.176/FL-2 granted under Tourism category as prayed for in petitioner's application dated 28.02.2017 for the period 2017-2018 pursuant to the orders of the Hon'ble Supreme Court dated 11.07.2017 and 13.11.2017.

For Petitioner : M/s.S.Radha Gopalan
For Respondents : Mr.J.Kumaran,
Government Advocate

O R D E R

Heard Ms.S.Radha Gopalan, learned counsel for the petitioner and Mr.J.Kumaran, learned Government Advocate (Puducherry), who accepts notice on behalf of the respondents.

2. With the consent of learned counsel on either side, the writ petition is taken up for final disposal.

3. The petitioner seeks for an issuance of direction to respondents to renew the petitioners FL-2 License No.176/FL-2 granted under Tourism category by considering the petitioner's application dated 28.02.2017. The reason for the application being kept pending was on account of the order passed by the Hon'ble Supreme Court of India directing closure of the liquor shops abutting the highways. Subsequently, the Hon'ble Supreme Court of India has clarified and issued certain directions.

4. The petitioner's case is that the Deputy Commissioner of Excise (Puducherry) has issued a circular dated 12.09.2017 to the Deputy Commissioner (Excise), karaikal/Mahe/Yanam, in which there is a reference to the recent order passed by the Hon'ble Supreme Court of India dated 11.07.2017 in SLP.(Civil) No.10243 of 2017 and the following directions has been issued:

In view of the orders of the Hon'ble Supreme Court read above, all the FL.1, FL.2, FL.2 licences issued under Tourism category and other liquor licensed establishments that are located within Municipal areas may be permitted to function with immediate effect at the existing premises. Further, the licensed premises shifted to other locations may also be allowed to be reverted to the earlier premises located within Municipal areas, if the licensees wish so, subject to strict compliance of the Puducherry Excise Act and Rules, 1970.

5. It is submitted by the learned counsel for petitioner that it is not known as to why, the Licensee in Puducherry alone should be discriminated when relief has been granted by the Department to the licensees in karaikal/Mahe/Yanam which all fall within the Union Territory of Puducherry. With these facts, the petitioner has sent representations to the respondents on 03.10.2017 and on 29.12.2017. Considering the above facts, the respondents should take a decision on the petitioner's application for renewal of FL-2 License dated 28.02.2017 as expeditiously as possible, preferably within a short period as it is stated that the period of license itself will come to an end in February 2018.

6. In the light of the above, the respondents are directed to consider the petitioner's application for renewal of license dated 28.02.2017, having due regard to the circular dated 12.09.2017 which itself has emanated on account of direction issued by the Hon'ble Supreme Court of India in its order dated 11.07.2017. The decision shall be taken on the petitioner's application for renewal of license within a period of two weeks from the date of receipt of a copy of this order.

7. Thus, for the above reasons, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

sk/kak

To

1.The Commissioner (Excise),
Government of Puducherry,
Puducherry.

2.The Deputy Commissioner (Excise)
Government of Puducherry,
Puducherry.

+lcc to Mr.S.Radhagopalan, Advocate SR.No.5682

+lcc to Government Pleader SR.No.5595

W.P.No.1440 of 2018

SN(CO)
GN(29/01/2018)



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