

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

W.P.No.13304 of 2017
and
W.M.P.No.14304 of 2017

E.Vadivel

Petitioner

Versus

1 Union Territory of Puducherry
Rep.by its Commissioner
Department of Excise Puducherry.

2 The Deputy Collector
Excise
Puducherry.

3 The Inspector of Police
Mettupalayam Police Station
Shanmugapuram
Puducherry.

Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents from establishing or re-locating or granting licence to the Liquor Shop at Mettupalayam Main Road, Harinamo Nagar, Gorimedu, Puducherry or its adjoin area of the said village.

For petitioner : Mr.Jothimanian

For Respondents : Mr.J.Kumaran,
Additional Government Pleader (Pondy)

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

The petition was filed by the petitioner seeking a writ of mandamus against the respondent-Excise Department to prohibit from running a liquor shop at Mettupalayam Main Road, Harinamo Nagar, Gorimedu, Puducherry, as according to the petitioner,

there is an educational institution within the prohibited area of 300 metres from the liquor shop in question.

2. Learned Additional Government Pleader Mr.J.Kumaran, by producing a copy of Puducherry Government Gazette, has brought to our notice the amendment of Rule 113 of Puducherry Excise Rules, 1970. The said Rule stands now amended and the amended Rule now provides that no shop shall be established in Municipal areas within a distance of 50 metres and in other areas 100 metres from any place of worship or educational institution. The learned Additional Government Pleader, therefore, submitted that the shop in question is not within the prohibited area as per the said Rules.

3. Having heard the learned counsel for the parties, we are satisfied that nothing survives in the writ petition now in view of amendment of Rules and therefore, no relief can be given to the petitioner unless the amended Rule aforesaid is successfully challenged.

4. If the petitioner has got any other objection in this regard, he is free to approach the competent authority concerned in the Excise Department and file his objections and in which event, it will be dealt with in accordance with law.

5. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//
सत्यमेव जयते

Sub Assistant Registrar

ssk.

To:

- 1 The Commissioner
Union Territory of Puducherry
Department of Excise Puducherry.
- 2 The Deputy Collector
Excise
Puducherry.

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3 The Inspector of Police
Mettupalayam Police Station
Shanmugapuram, Puducherry.

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KJI (CO)
CS/23/01/2019



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