

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P.No.28801 of 2003
and W.P.M.P.35187 of 2003

G.Karthikeyan

... Petitioner

..Vs..

The Deputy Commissioner (Excise)
Chennai Collectorate,
Chennai - 600 001.

...Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records connected with No.Rc.L5/56337/03 dated 13.09.2003 on the file of the respondent herein and quash the same.

For petitioner : Mr.S.M.Loganathan

For Respondents : Mr.K.Ravikumar,
Additional Government Pleader.

ORDER

The prayer sought for in this writ petition is for issue of writ of certiorari calling for the records connected with Rc.L5/56337/03 dated 13.09.2003 on the file of the respondent and quash the same.

2. The petitioner was running an Indian Made Foreign Liquor Shop (i.e) Shop No.808 in Egmore Nungambakkam Taluk, Chennai District during the year 2003. The period of license was over by 15.09.2003. However, the Government in its wisdom thought it fit to extend the period from 15.09.2003 to 15.10.2003 and the licensee had paid the privilege amount of Rs.1,60,000/- on 13.09.2003 for the period from 15.09.2003 to 15.10.2003.

3. While so, there had been a surprise inspection by the department at the petitioner's Indian Made Foreign Liquor Shop on 13.09.2003 and as a result, the respondent has passed an

order on 13.09.2003 suspending the liquor vending shop license under Rule 19 of the Tamil Nadu Liquor (Retail Vending) Rules 1989. Challenging the same, the present Writ Petition has been filed.

4. I have heard Mr.S.M.Loganathan, the learned counsel appearing for the petitioner and Mr.K.Ravikumar, the learned Additional Government Pleader appearing for the respondent.

5. The period of liquor vending license itself admittedly was upto 15.09.2003 and it was extended for one month (i.e) upto 15.10.2003. In the mean while, since the license was suspended for the alleged violation of the liquor vending rules, by order dated 13.09.2003 and though the writ petition was filed challenging the said order, as the very license period of shop was over as early as on 15.09.2003, nothing survives in this writ petition for further adjudication.

6. In view of the above this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy//

Sub Assistant Registrar

srn/mbi

To

The Deputy Commissioner (Excise)
Chennai Collectorate,
Chennai - 600 001.

+1cc to Government Pleader SR.No.62115

SPD(CO)
RMP(26/09/2018)

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