



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) Nos.2291 to 2301 of 2018

TITAN RECREATION CLUB (FL2)
REP.BY ITS SECRETARY P.KARPAGARAJA
S/O.V.PONNUSAMY
NO.2AB, L.F.ROAD,
CUMBUM - 625 516,
UTHAMAPALAYAM TALUK,
THENI DISTRICT.

... Petitioner in WP(MD). 2291/ 2018

INDIAN MANAMAHIL MANDRAM,
REP BY ITS SECRETARY S.PATCHAIAPPAN,
S/O.C.SUBBIAH, NO.62A, PERIANDAVAR ROAD,
BODINAICKANUR-625 513,
THENI DISTRICT.

... Petitioner in WP(MD). 2292/ 2018

TATA MANAMAHIL MANDRAM(FL2),
REP. BY ITS SECRETARY P.PANDI SAKTHI,
S/O. PANDI SEKAR, NO.42/1,
RAILWAY STATION ROAD,
BODINAICKANUR - 625 513,
THENI DISTRICT.

... Petitioner in WP(MD). 2293/ 2018

VIDIYAL RECREATION CULB(FL2),
REP. BY ITS TREASURER S.MUTHURAMALINGAM,
S/O. SERVARAN, C.P.NO. 31,
TAMILNADU HOUSING BOARD, AVANIYAPURAM,
ARUPPUKOTTAI MAIN ROAD,
MADURAI - 625 011.

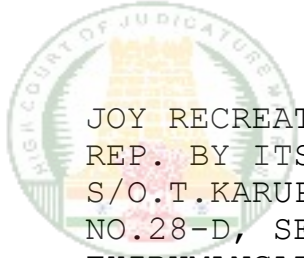
... Petitioner in WP(MD). 2294/ 2018

IDEAL RECREATION CLUB (FL2),
REP. BY ITS TREASURER SASIKUMAR,
S/O.SELVAM,NO.3, JAYAM COMPLEX,
BYPASS ROAD, PALANGANATHAM,
MADURAI DISTRICT.

... Petitioner in WP(MD). 2295/ 2018

GREENPARK RECREATION CLUB(FL2),
REP BY ITS TREASURER MAHENDRAPANDI,
S/O.VEEERABADRAN, NO.12D, RAM NAGAR PONMENI,
MADURAI -625 010.

... Petitioner in WP(MD). 2296/ 2018



JOY RECREATION CLUB(FL2),
 REP. BY ITS SECRETARY K.PANDI,
 S/O.T.KARUPPA THEVAR,
 NO.28-D, SENGULAM EAST 2ND STREET,
 THIRUMANGALAM,
 MADURAI DISTRICT.

... Petitioner in WP(MD). 2297/ 2018

YOURS RECREATION CLUB(FL2),
 REP. BY ITS SECRETARY P.THAVACHSELVAN,
 S/O.P.PAULSAMY, NO.176, USIAI ROAD,
 THIRUMANGALAM - 625 706,
 MADURAI DISTRICT.

... Petitioner in WP(MD). 2298/ 2018

MUTHUMARI MANAMAGIL MANDRAM (FL2),
 REP. BY ITS SECRETARY K.JEGAN, S/O.KASIRAJAN,
 NO.11-1-81, F-9, T.K.COMPLEX, SATHYA NAGAR IST STREET,
 MADURAI ROAD,
 USILAMPATTI 625 532.

... Petitioner in WP(MD). 2299/ 2018

SRI PANDIAN HOTELS(FL3),
 REP BY ITS PROPRIETOR B.S.TERRY, S/O.BASKAR,
 D.NO.1257 TO 1259, PERIYAKULAM ROAD,
 THENI-625 531.

... Petitioner in WP(MD). 2300/ 2018

HOTEL THENI INTERNATIONAL(FL3),
 REP. BY ITS MANAGING DIRECTOR VINOD MATHEW,
 S/O. P.M.MATHEW, NEAR OLD BUS STAND,
 MADURAI ROAD,
 THENI - 625 531.

... Petitioner in WP(MD). 2301/ 2018

- Vs. -

THE COMMISSIONER OF PROHIBITION AND EXCISE,
 PROHIBITION AND EXCISE DEPARTMENT,
 EZHILAGAM, CHEPAUK, CHENNAI - 600 005.

... Respondent in WP(MD). 2291 to 2301/ 2018
 (Common Respondents)

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01.04.2017 to 31.08.2017 or adjust the same for the forthcoming renewal of FL2 licence for the year 2018-2019 based on the representation of the petitioner club dated 10.01.2018.

Prayer in WP(MD). 2292/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01/04/2017 to 31/08/2017 or adjust the same

for the forthcoming renewal of FL2 licence for the year 2018-2019, based on the representation of the petitioner club dated 08/01/2018.

Prayer in WP(MD). 2293/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01.04.2017 to 31.08.2017 or adjust the same for the forthcoming renewal of FL2 licence for the year 2018-2019, based on the representation of the petitioner club dated 08.01.2018

Prayer in WP(MD). 2294/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01.04.2017 to 31.08.2017 or adjust the same for the forthcoming renewal of FL2 licence for the year 2018-2019, based on the representation of the petitioner club dated 23.01.2018

Prayer in WP(MD). 2295/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01.04.2017 to 31.08.2017 or adjust the same for the forthcoming renewal of FL2 licence for the year 2018-2019, based on the representation of the petitioner club dated 12.01.2018.

Prayer in WP(MD). 2296/ 2018 :

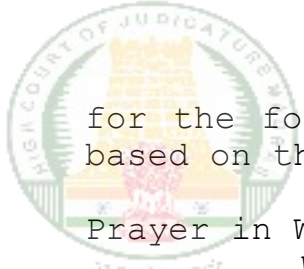
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01/04/2017 to 31/08/2017 or adjust the same for the forthcoming renewal of FL2 licence for the year 2018-2019, based on the representation of the petitioner club dated 09/01/2018.

Prayer in WP(MD). 2297/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01.04.2017 to 31.08.2017 or adjust the same for the forthcoming renewal of FL2 licence for the year 2018-2019, based on the representation of the petitioner club dated 24.01.2018

Prayer in WP(MD). 2298/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus directing the respondent either to refund the proportionate





privilege fee and licence fee for the non transactional period of five months i.e. from 01.04.2017 to 31.08.2017 or adjust the same for the forthcoming renewal of FL2 licence for the year 2018-2019, based on the representation of the petitioner club dated 23.01.2018. Prayer in WP(MD). 2299/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01.04.2017 to 31.08.2017 or adjust the same for the forthcoming renewal of FL2 licence for the year 2018-2019, based on the representation of the petitioner club dated 23.01.2018. Prayer in WP(MD). 2300/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01/04/2017 to 31/08/2017 or adjust the same for the forthcoming renewal of FL3 licence for the year 2018-2019, based on the representation of the petitioner hotel dated 08/01/2018.

Prayer in WP(MD). 2301/ 2018 :

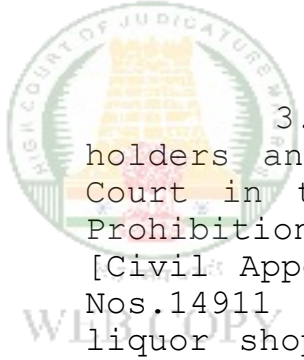
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus directing the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01.04.2017 to 31.08.2017 or adjust the same for the forthcoming renewal of FL3 licence for the year 2018-2019, based on the representation of the petitioner hotel dated 08.01.2018.

For Petitioner	: Mr.T.Bashyam
For Respondent	: Mr.B.Pugalendhi
	Additional Advocate General
	assisted by Mr.Aayiram K.Selvakumar
	Additional Government Pleader

COMMON ORDER

These writ petitions have been filed seeking direction to the respondent either to refund the proportionate privilege fee and licence fee for the non transactional period of five months i.e. from 01.04.2017 to 31.08.2017 or adjust the same for the forthcoming renewal of FL2 licence for the year 2018-2019, based on the representations of the petitioner club dated 10.01.2018, 08.01.2018, 08.01.2018, 23.01.2018, 12.01.2018, 09.01.2018, 24.01.2018, 23.01.2018, 23.01.2018, 08.01.2018 and 08.01.2018.

2.Since the issue involved in all the writ petitions are one and the same, these writ petitions are disposed of by way of passing a common order.



3. According to the petitioners, they are all FL2 licence holders and pursuant to the order passed by the Hon'ble Supreme Court in the State of Tamil Nadu, rep. by its Secretary, Home, Prohibition and Excise Department and others Vs. K.Balu and another, [Civil Appeal Nos.12164 - 12166 of 2016, arising out of S.L.P(C) Nos.14911 - 14913 of 2013, decided on 15.12.2016], prohibiting liquor shops in the National and State Highways, the petitioners' shops were closed by the respondent on 01.04.2017. Subsequently, based on the clarification issued by the Hon'ble Supreme Court in Arrive Safe Society of Chandigarh Vs. The Union Territory of Chandigarh and other [Special Leave Petition (Civil) No.10243 of 2017, decided on 11.07.2017], the respondent, by the letter dated 01.09.2017, opened the petitioners' shops from the month of September, 2017. As per Rule 24(A) of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981, the petitioner is entitled to get refund of the proportionate licence fee for the period the shops were closed. Hence, the petitioners have made applications before the respondent. As no order has been passed so far, these writ petitions have been filed.

4. Considering the facts and circumstances of the case, without going into the merits of the case, since the petitioners' representations are pending with the respondent, the respondent is directed to consider the petitioners' representations dated 10.01.2018, 08.01.2018, 08.01.2018, 23.01.2018, 12.01.2018, 09.01.2018, 24.01.2018, 23.01.2018, 23.01.2018, 08.01.2018 and 08.01.2018 and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioners.

5. With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S.T.Bashyam, Advocate SR.No. 46737

+1cc to Special Government Pleader, SR.No. 46397

W.P. (MD) Nos.2291 to 2301 of 2018