



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P.[MD].No.12684 of 2018 and
W.M.P.(MD).Nos.11565, 11566 and 12776 of 2018

Perumalsamy : Petitioner

Vs.

1. The Commissioner,
Prohibition and Excise,
Chepauk, Chennai 5.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The Assistant Collector,
Excise Collector Office Campus,
Virudhunagar.
4. Sri Raga Recreation Club,
Innamreddiyarpatti Road,
Puliyangulam Village, Soolakarai,
Virudhunagar District 626 003.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, by calling for the records relating to the proceedings of the first respondent made in R.DIS.No.P&E2(2)/12139/2017, dated 13.04.2018 and quash the same.

For petitioner	: Mr.N.Mohideen Basha
For respondents 1 to 3	: Mr.M.Pandiyarajan Additional Government Pleader
For Respondent No.4	: Mr.N.R.Elango Senior Counsel For Mr.S.Ravi

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

Heard Mr.N.Mohideen Basha, learned counsel for the petitioner, Mr.M.Pandiarajan, learned Additional Government Pleader for the respondents 1 to 3 and Mr.N.R.Elango, learned Senior Counsel representing Mr.S.Ravi, learned counsel on record for the fourth respondent.



2. This Writ Petition has been filed in the nature of a Public Interest Litigation, seeking to quash the proceedings of the first respondent dated 13.04.2018.

3. Mr.N.R.Elango, learned Senior Counsel, informs that the petitioner in the affidavit filed in support of the Writ Petition, stated that the application for grant of FL2 License to the fourth respondent company had been rejected in the year 2015 and that the same presently stands wrongly issued in favour of the fourth respondent under orders dated 13.04.2018.

4. The affidavit of the petitioner does not disclose the fact that the order of rejection of the year 2015 was in respect of a place falling within the Taluk of Aruppukottai, whereas the license now stands issued in respect of a place falling within Virudhunagar. Such position is not disputed by the learned counsel for the petitioner. However, the learned counsel for the petitioner seeks to impress upon this Court that the license now granted to the fourth respondent company is also contrary to the Rules. We are not inclined to hear such submission made on behalf of the petitioner, when the basic position informed to us is one, which has misled this Court into passing an interim order of stay.

5. For the above reasons, the Writ Petition shall stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Prohibition and Excise,
Chepauk, Chennai 5.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The Assistant Collector,
Excise Collector Office Campus,
Virudhunagar.

+ 1 CC TO Mr.S.RAVI, ADVOCATE IN SR No. 71398
+ 1 CC TO Mr.N.MOHIDEEN BASHA, ADVOCATE IN SR No. 71423
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 71518

NB

TE/AE/SAR-1 : 13/07/2018 : 2P/7C