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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.02.2018
CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.1955 of 2016
and
W.M.P(MD)No.1719 of 2016

M.Rajarathinam ... Petitioner

Vs.

1.The Commissioner of Prohibition & Excise,
Chepauk, Chennai-5.

2.The District Collector,
Madurai.

3.The Assistant Commissioner (Excise)
/ Tahsildar Madurai.

4.The Senior Manager,
TASMAC
Plot No.100, Anna Nagar,
Madurai-20.

5.The Inspector of Police,
C2, Police Station,
Subramaniyapuram,
Madurai.

6.K.S.Sasikumar
Secretary,
IDEAL Recreation Club,
No.3, Jeyam Complex,
Bye-Pass Road,
Palanganatham,
Madurai-3. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to close down the bar attached with IDEAL Recreation Club, No.3, Jeyam Complex, Bye-pass Road, Palanganatham, Madurai-3 and shift some other place in the interest of the public and pass such further or other orders as this Court may deem fit and proper in the circumstances of the above case.

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For Petitioner : Mr.V.P.Rajan

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For RR 1 to 3 & 5 : Mr.M.Murugan
Government Advocate

For R4 : Mr.H.Arumugam
Standing Counsel for TASMAC

For R6 : Mr.T.Bashiyam

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the Writ Petition itself is taken up for final disposal.

2.Mr.V.P.Rajan, learned counsel appears for the petitioner, Mr.M.Murugan, learned Government Advocate appears for the respondents 1 to 3 & 5, Mr.T.Bashiyam, learned counsel appears for the sixth respondent and Mr.H.Arumugam, learned Standing Counsel for TASMAC appears for the fourth respondent.

3.The writ petition is filed as a Public Interest Litigation challenging the location of the Bar in a Recreation Club being run by the sixth respondent and the grievance expressed by the petitioner is that the Bar inside the Recreation Club is located within the prohibited distance.

4.The third respondent has filed a counter affidavit stating among other things that the sixth respondent has fulfilled all the necessary requirements and therefore, he has been accorded permission and he has been granted F.L.2 License to run the Bar in terms of the Tamil Nadu Liquor (License and Permit Rules) 1981, and as per the report of the fifth respondent, there is no adverse remarks against the sixth respondent.

5.The sixth respondent has filed a counter affidavit and would submit that only after obtaining F.L.2 License, the Bar is running in the premises and no illegality or irregularity taking place and also invited the attention of this Court to the Judgment of the Hon'ble Supreme Court in the case of *STATE OF TAMIL NADU V. K. BALU* reported in (2017) 2 SSC 281.

6.This Court has considered the rival submissions and also perused the materials placed on record.

7.The fact remains that the sixth respondent has been granted F.L.2 Licence to run a Bar in the premises and it is the stand of the fifth respondent that there is no adverse remarks received against the sixth respondent as per the report of C2 Subramaniapuram Police Station, in that, the enquiry reveals that the petitioner has filed the present writ petition only for his personal gain and not for the interest of public.

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8.The sixth respondent is directed to adhere to the conditions of F.L.2 licence in law and if any nuisance or public law and order problem is caused on account of the Club members while useing the bar inside the premises, this Court also directs the Joint Commissioner (Excise) Chennai, to cause surprise inspection of the sixth respondent premises and see to that the conditions of F.L.2 Licence are strictly adhered to and complied with.

9.The Writ Petition is dismissed, subject to the above observations. No costs. Consequently, the connected miscellaneous petitions is also closed.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner of Prohibition & Excise,
Chepauk, Chennai-5.

2.The District Collector,
Madurai.

3.The Assistant Commissioner (Excise)
/ Tahsildar Madurai.

4.The Inspector of Police,
C2, Police Station,
Subramaniyapuram,
Madurai.

5.The Joint Commissioner (Excise), Chennai

+One cc to The Special Government Pleader, SR.No.46556
+One cc to Mr.T.Bashiyam, Advocate, SR.No.46736
+One cc to M/s.H.Arumugam, Advocate, SR.No.46734

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