

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.31499 of 2004

Shri. Kumaran Hotels,
Rep. by its Prop. P. Ponullingham ... Petitioner

Vs.

1. Govt. of TN rep. by its
Secretary to Government,
Prohibition & Excise (VIII) Department,
Fort St. George, Chennai 9.
2. The Commissioner of Prohibition & Excise,
Chepauk, Chennai 5.
3. The District Collector,
Coimbatore. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent relating to G.O. (D) No.138, Prohibition & Excise (VII) Department, dated 17.06.2004 and quash the same, and consequently direct the 3rd respondent to pay interest at 18% p.a. from 17.10.2003 for Rs.25,000/- till this date.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr.K.Bhuvaneswari, AGP
RR1 to 3

ORDER

This petition has been filed to quash the G.O. (D) No.138, Prohibition & Excise (VII) Department, dated 17.06.2004 issued by the first respondent and consequently direct the 3rd respondent to pay interest at 18% p.a. from 17.10.2003 for Rs.25,000/- till this date.

2. During the inspection of the petitioner's licenced premises in the hotel on 20.03.2003, it was found that the

petitioner did not have adequate car parking in front of the hotel and outsiders and public were consuming liquor in the premises. For the said violation, licensing authority had forfeited a sum of Rs.25,000/- from the security deposit made by the licensee. The appeal against the said action before the Government also came to be rejected on 17.06.2004. Aggrieved against the same, the present Writ Petition has been filed.

3. It is seen in the affidavit filed by the petitioner herein that the petitioner had admitted that there was no adequate car parking space for a short period only because of renovation work. While that being so, it cannot be said that the respondents had committed a mistake in finding that there was no adequate car parking space in front of the hotel and consequently forfeited the security deposit.

4. It is pertinent to mention that Rule 22 (1) of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981, empowers the licensing authority to cancel or suspend the licence in case of violation of licence conditions. In the instant case, though the licensing authority found that there were violations of the conditions, they have chosen to take a lenient view of forfeiting the security deposit alone. In the appeal filed before the first respondent herein, the petitioner had not placed any new grounds and had reiterated their original stand and as such, there is no infirmity in the order passed in the appeal by the Government. Hence, I find no merit in the Writ Petition. Accordingly, the Writ Petition stands closed. No costs.

Sd/-
Assistant Registrar(CS- VI)

//True copy//

Sub Assistant Registrar

pvs

To

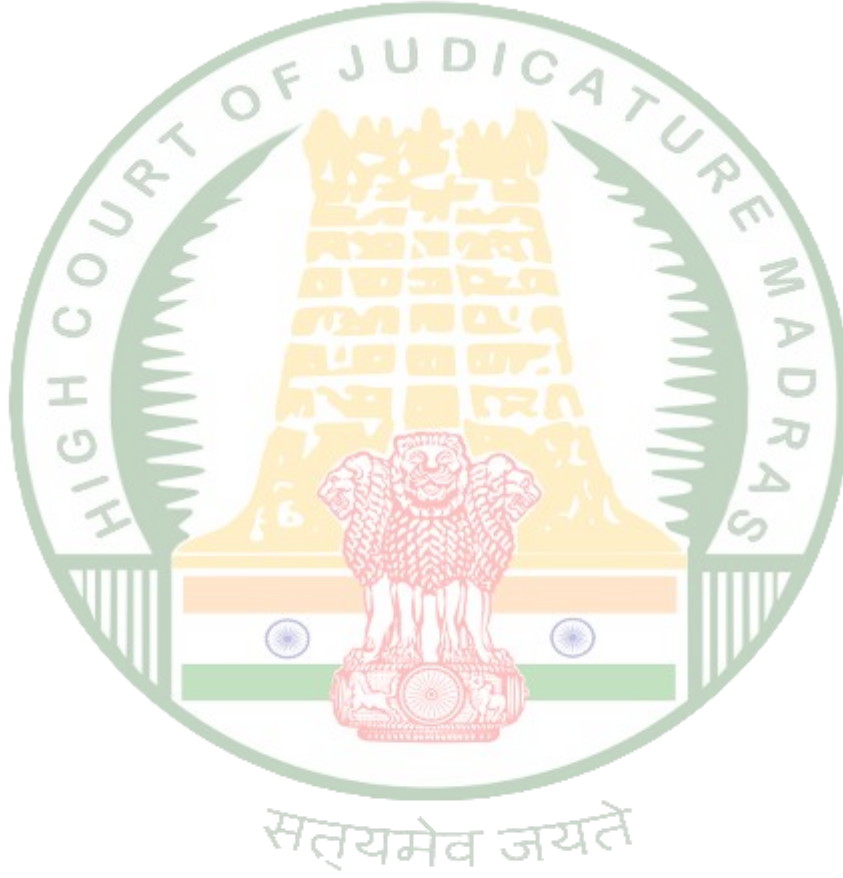
1. Secretary to Government,
Govt. of Tamil Nadu
Prohibition & Excise (VIII) Department,
Fort St. George, Chennai 9.
2. The Commissioner of Prohibition & Excise,
Chepauk, Chennai 5.

3. The District Collector,
Coimbatore.

+lcc to Mr.P.R.Balasubramanian, Advocate SR.No.27947

W.P.No.31499 of 2004

VBA (CO)
GMY (07/05/2019)



WEB COPY