

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.29474 of 2012 and
W.M.P.No.1 of 2012

Anna Nagar Towers Club,
A body registered under the
T.N. Societies Registration Act,
Represented by its Secretary,
W Block, 3rd Main Road, Madras - 40.

... Petitioner

Vs.

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

2.The Commissioner, Corporation of Chennai,
Chennai.

... Respondents

(R2 impleaded as per order dated 08.11.2013
in W.P.No.29474 of 2012)

Prayer: Writ Petition is filed under article 226 of the
Constitution of India, writ of Certiorari, call for the records
on the file of the respondent in his proceedings P & E 2 (4)
14926/2012 dated 25.10.2012 and quash the same.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.P.Prathap Singh

Government Advocate for R1

M/s.Karthika Ashok for R2

Standing Counsel

ORDER

By the impugned order dated 17.12.2019, the
respondent/Corporation is represented by the Commissioner of
Prohibition and Excise Department has cancelled the FL 2 licence
under Rule 22 of Tamil Nadu Liquor (License and Permit) Rules
1981. It is based on the report of the Commissioner of Chennai
Corporation, Chennai and the explanation of the licensee, the
license had remitted a sum of Rs.48,85,893/- on 26.09.2012.
According to the Commissioner of Chennai Corporation, damages
caused to the Corporation, if the petitioner had not filed any

documents in support of the claim, they have recover the rent belonging to Chennai Corporation.

2.The learned counsel for the first respondent/Commissioner of Prohibition and Excise is now filed a copy of pucca sale deed dated 14.12.2006 signed between the Tamilnadu Housing Board represented by its Executive Engineer and Administrative Officer. The petitioner herein, it is stated that the petitioner had purchased a property for the consideration of the payment of Rs.10,27,459/-.

3.The learned counsel for the first respondent submits, in this property the respondent is running a bar. In view of the same, the order passed by the first respondent is quashed and that the license which was cancelled and has been renewed upto the year 2018-2019 (i.e upto 31.03.2019). A copy of the letter of the first respondent given to the Government Advocate has reproduced the bill which reads as under:-

"I wish to submit that, based on the recommendation of the District Collector, Chennai, the FL 2 licence of Tvl.Towers Club, Chennai has been renewed upto the year 2018-2019 (i.e. upto 31.03.2019) vide this office proceedings cited in the 4th reference. The copy of the proceedings is enclosed herewith for your kind perusal."

4.In view of the same, the Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

2.The Commissioner Corporation of Chennai, Chennai.

+1 cc to The Government Pleader Sr.No. 105315

+1 cc to M/s.Karthikaa Ashok, Advocate Sr.No. 105736

AKM/26.02.2020/2P-5C /

W.P.No.29474 of 2012
and W.M.P.No.1 of 2012