

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8181 of 2019

and

W.M.P.Nos.21595 & 21593 of 2019

R.Karunamoorthy

...Petitioner

Vs

1.The Excise Commissioner,
Excise Department,
Pondicherry.

2.The Deputy Commissioner (Excise),
Excise Department,
Thattanchavady,
Pondicherry.

3.The Commissioner,
Outgaret Commune Panchayat,
Pondicherry.

4.R.Govindan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider the application of the petitioner for the renewal of the FL-2 Licence for the year 2019-2020 dated 22.01.2019 in accordance with the preliminary decree passed by the learned Principal District Judge, Pondicherry in O.S.No.72 of 2006 by the order dated 18.04.2016 within the time limit stipulated by this Court.

For Petitioner : Mr.M.Raja Sekhar
For Respondent : Mr.J.Kumaran, AGP (P)
Nos.1 to 3

For Respondent-4: Mrs.Radha Gopalan

O R D E R

Heard Mr.M.Raja Sekhar, learned counsel for the petitioner and Mr.J.Kumaran, learned Additional Government Advocate (P) on

behalf of the respondents 1 to 3 as well as Mrs.Radha Gopalan, learned counsel appearing for the fourth respondent.

2. The prayer sought for in the present Writ Petition has become infructuous, since the petitioner seeks for a direction to the second respondent to consider his application for renewal of FL-2 Licence dated 22.01.2019.

3. Today when the matter was called, the learned Additional Government Pleader has produced the letter dated 27.05.2019 wherein, it was stated that the renewal application will be processed as per the rules in force. It is now brought to the notice of this Court by the learned counsel for the fourth respondent that the licence for the shop has been renewed on 12.07.2019 in favour of the fourth respondent herein for the year 2019-20. Hence, no effective orders can be passed in the present Writ Petition.

4. Nevertheless, since the petitioner herein has been agitating the dispute and has been seeking to include his name in the licence in view of the preliminary decree passed by the Civil Court in O.S.No.72 of 2006 dated 03.12.2018, it would be appropriate to grant him liberty to work out his remedy to either challenge the licence granted or to peruse further on his renewal application pending before the second respondent. With such a liberty, the Writ Petition stands closed. In view of the final order passed in the present Writ Petition, no order is required to be passed in the Miscellaneous Petitions seeking for amendment and to dispense with for the production of the original order dated 27.05.2019 and hence, the Miscellaneous Petitions stand closed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

DP
To

1.The Excise Commissioner,
Excise Department,
Pondicherry.

2.The Deputy Commissioner (Excise),
Excise Department,
Thattanchavady,
Pondicherry.

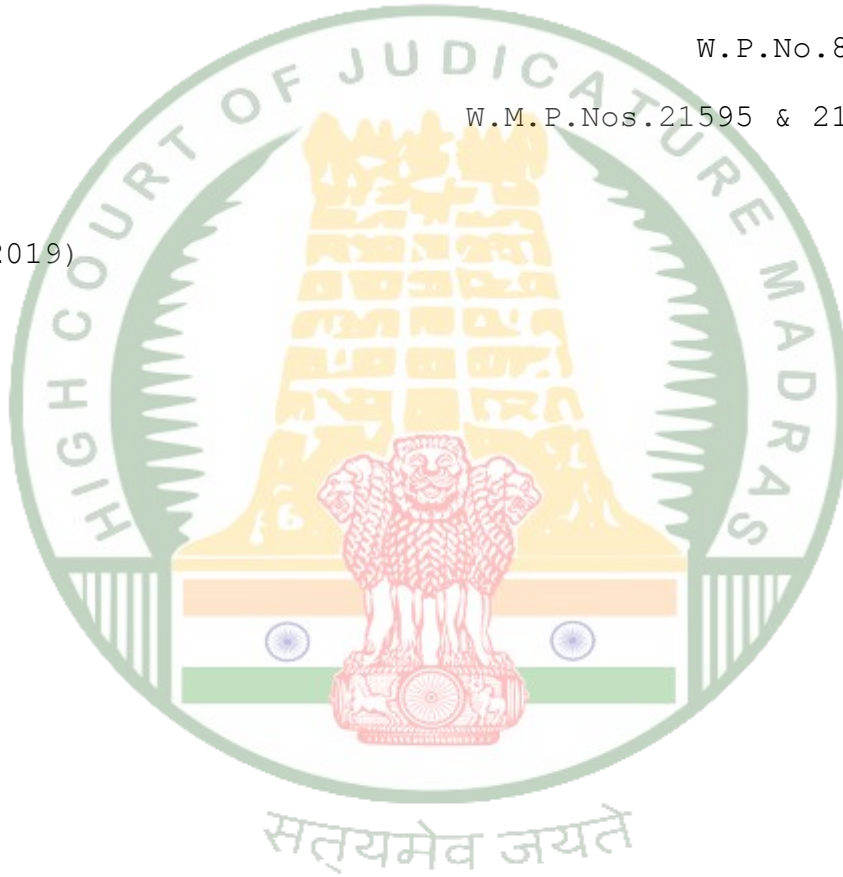
3.The Commissioner,
Outgaret Commune Panchayat,
Pondicherry.

4.The Principal District Judge
Pondicherry.

+1 CC to Govt. Pleader cum Public Prosecutor, Puducherry sr 64784
+1 CC to Mrs.S.Radhagopalan, Advocate sr 64842.

W.P.No.8181 of 2019
and
W.M.P.Nos.21595 & 21593 of 2019

RV (CO)
SP (13/08/2019)



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