

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR  
and  
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.16089 of 2019  
and WMP No.15856 of 2019

M.Thillai Sababady .. Petitioner

Vs.

1. The District Collector,  
Puducherry.
2. The Deputy Collector,  
Excise Department,  
Thattanchavady,  
Puducherry - 9.
3. The Tahsildar,  
Department of Revenue and Disaster Management,  
Villiyannur, Puducherry.
4. The Commissioner,  
Villiyannur Commune Panchayat,  
Villiyannur, Puducherry.
4. M/s. Indian Royal Restaurant,  
Roof top Bar,  
Villiyannur Main Road, Kottaimedu,  
Villiyannur, Puducherry. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the respondents to 4 to not to grant any license/permission for sale of liquor in any manner to the 5th respondent based on the petition dated 20.03.2019.

For Petitioner : Mr.S.C.Vishwanath

For Respondents: Mr.C.T.Ramesh, (for R1 to R4)  
Addl.Govt.Pleader (Puducherry)

O R D E R

(Order of this Court was made by S.Manikumar, J.)

Objecting to the location of a bar, petitioner seems to have sent a representation dated 20.03.2019 to the District Collector, Puducherry, the Deputy Collector, Excise Department, Puducherry, the Tahsildar, Department of Revenue and Disaster Management, Puducherry and the Commissioner, Villianur Commune Panchayat, Puducherry, respondents 1 to 4 respectively, which reads thus.

"From:

The residents of Kottaimedu Village,  
Villianur Commune Panchayath,  
Puducherry

To:

1. The District Collector,  
Puducherry.
2. The Deputy Collector,  
Excise Department,  
Puducherry
3. The Deputy Tahsildhar,  
Department of Revenue and Disaster Management,  
Villianur, Puducherry
4. The Commissioner,  
Villianur Commune Panchayath,  
Villianur, Puducherry

We, the residents of Kottaimedu Village, Villianur, Puducherry hereby through this representation submits that, there are 2000 residential houses in our Kottaimedu Village situated within the Villianur Commune Panchayat limit. In Kottaimedu Village, within the vicinity of 100 meter radius, one Girls Higher Secondary School, a Women's College, Agoramariamman Temple, Government Boys Hostel and Samathiamman Temple are there. We very recently came to know that in the corner of Arichandra Street, and Villupuram Main Road, a liquor shop is being proposed to be opened. It is submit that the proposed place is a residential area with tickly packed number of houses. In such event of allowing any sale of liquor that specific place, a lot public tranquility and the public peace will be affect.

Hence, we the people of Kottaimedu Village request your good selves, not give license/permission for the sale of liquor in any manner in that specified place in order to ensure the safety, peace and wellbeing of the Kottaimedu Village locality."

Sd/-  
M.Thillai Sababady

2. Contending inter alia that the said representation remains unanswered, instant Public Interest Litigation is filed.

3. Representing respondents 1 to 4, Mr.C.T.Ramesh, learned Additional Government Pleader (Puducherry), submitted that the location of the bar is governed by the Pondicherry Excise Rules, 1970. License is yet to be granted. Subject matter is pending on the file of the Deputy Commissioner of Prohibition and Excise Department, Government of Pondicherry.

4. Deputy Commissioner of Prohibition and Excise Department, Government of Pondicherry is directed to consider the petitioner's representation dated 20.03.2019, on merits and in accordance with law, as expeditiously as possible.

5. With the above direction, the writ petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

ars/pkn

To

1. The District Collector,  
Puducherry.
2. The Deputy Collector,  
Excise Department,  
Thattanchavady,  
Puducherry - 9.

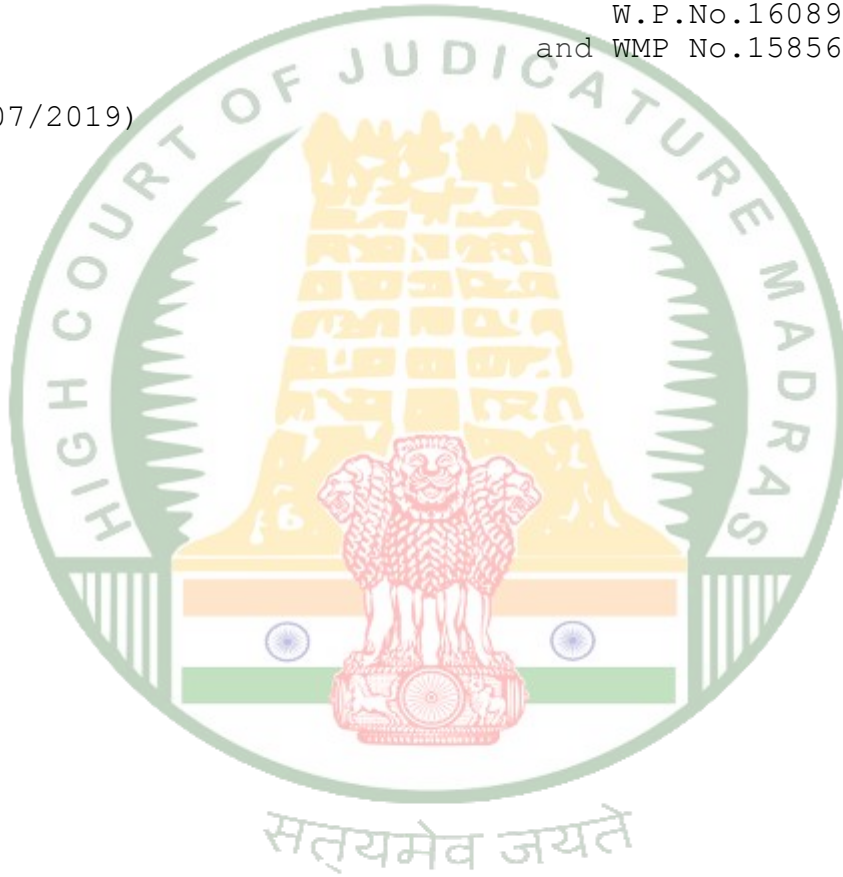
3. The Tahsildar,  
Department of Revenue and Disaster Management,  
Villiyannur, Puducherry.

4. The Commissioner,  
Villiyannur Commune Panchayat,  
Villiyannur, Puducherry.

+1cc to Mr. S.C.Vishwanath , Advocate SR.No. 49529  
+1 cc to Government Pleader Sr.No. 49880

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A.SK(15/07/2019)



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