

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM

THE HONOURABLE Dr. JUSTICE ANITA SUMANTH

W.P.No.10413 of 2019

and

W.M.P.No.10945 of 2019

Sakthi recreation center,
Represented by its secretary, Rajendran,
Aged about 51 years, Son of P.Karuppiah,
146, 3rd and 4th floor,
Habibullah Road, T.Nagar,
Madras - 600 017.

.. Petitioner

Vs.

1.The District Collector,
Rajaji Salai, Madras - 600 001.

2.The Commissioner of Police,
Greater Chennai, Vepery, Madras - 600 007.

3.The Commissioner of Prohibition and Excise,
Chepauk, Madras - 600 005.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent in proceedings number Rc.No.P and E2(4) 8430/2018, dated 7/11/2018 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents to forthwith remove the seal illegally put up in door number 146, 3rd and 4th floor, Habibullah Road, T.Nagar, Madras- 600017.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

The writ petitioner challenges the order dated 07.11.2018 passed by the Commissioner of Prohibition and Excise, Chepauk, Chennai - 600 005. He also seeks a consequential direction to the respondents to remove the seal put up in the premises in question bearing Door No.146, 3rd and 4th floor, Habibullah Road, T.Nagar, Madras - 600 017.

2.The petitioner is a recreation centre registered as a club. It has been in existence since 25.10.1990. It holds a FL2 license for vending of liquor in the premises. The petitioner was in receipt of notice dated 07.08.2018, issued by the District Collector/the first respondent herein referring to a report issued by the Excise Officer alleging some untoward events in the club premises. A copy of the report does not appear to have been furnished to the petitioner. The notice also alleges that the FL2 license for the years 2016-17 and 2017-18 has not been renewed.

3.There appears to some ambiguity with regard to the validity of the FL2 licence as on date. While learned counsel for the petitioner states that the license in fact, has been renewed up to date, learned Government Advocate dispute the same.

4.Be that as it may, the impugned order is passed in terms of Section 22 of the Tamil Nadu Liquour (license and permit) Rules, 1981, in terms of which, the temporary cancellation or suspension of a licence can be done only for a period of 90 days, pending framing of charges for any irregularity noticed. Admittedly, in the present case the period of 90 days has expired on 07.02.2019. The respondent has also issued show cause notice dated 07.11.2018 for which a reply has been filed on 09.11.2018 by the petitioner. The aforesaid proceedings are still pending. No order of adjudication has been passed till date.

5.In the aforesaid circumstances, the request of the petitioner for removing the seal upon the premises in question pursuant to order dated 07.11.2018 which has lapsed, is justified. The seal placed on the premises is liable to be removed forthwith. It is however made clear that the proceedings initiated by the show cause notice will continue and necessary orders may be passed by the 3rd respondent, in accordance with law, after affording full opportunity of hearing to the petitioner.

6.The writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Rajaji Salai, Madras - 600 001.

2.The Commissioner of Police,
Greater Chennai, Vepery, Madras - 600 007.

3.The Commissioner of Prohibition and Excise,
Chepauk, Madras - 600 005.

+1 cc to Mr.V.Raghavachari, Advocate, Sr.No. 38383

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CSL/09.05.2019



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