

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.NO.20945 OF 2019
AND WMP NO.20128 OF 2019

BENZ VACCATIONS CLUB
Rep by its. Secretary
A.Thanajayan

Petitioner

..
vs.

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.
4th Floor, Thalamuthu Natarajan Maligai
Egmore, Chennai - 8.
2. The Commissioner
Prohibition and Excise Department
Chepauk, Chennai.
3. The Revenue Divisional Officer
South Chennai Division
Guindy, Chennai.

.. Respondents

PRAYER :

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to issue Form - D certificate, building license to the petitioner enabling the petitioner to run the bar without any hindrances, based upon the recent representation dated 21.06.2019 and pass such further order or orders as this Hon'ble Court is deem fit and proper in the facts and circumstances of this case and thus render justice.

For Petitioner : Mr.M.Manimaran

For Respondents : Mr.K.Sathishkumar
Senior Standing Counsel for R1
Mr.R.P.Pratap Singh,
Government Advocate for R2 & R3

O R D E R

Mr.M.Manimaran, learned counsel on record for writ petitioner is before this Court. Mr.K.Sathish Kumar, learned Standing Counsel for 'Tamil Nadu State Marketing Corporation Limited' ('TASMAC' for brevity), who is present in Court accepts notice on behalf of the first respondent. Mr.R.P.Pratap Singh, learned Government Advocate, who is present in Court, accepts notice on behalf of respondents 2 and 3.

2. With consent of learned counsel on both sides main writ petition is taken up and is being disposed of.

3. It is submitted that writ petitioner has obtained a license from the first respondent qua liquor and this license, this Court is informed, pertains to clubs. It is also submitted that this license is referred to as 'FL-2 license' under the relevant statute and the rules thereunder.

4. Be that as it may, subject matter of instant writ petition pertains to a certificate to be issued by the third respondent with regard to running a bar as part of the club activity in a specified premises. Considering the narrow scope of the limited/abridged prayer, that is being made now and considering the nature of the order, which this Court proposes to pass, it is deemed appropriate to not to delve into facts and merits any further.

5. Notwithstanding several averments and grounds made in the affidavit filed in support of the instant writ petition, at the hearing today, the prayer is abridged/restricted and limited by saying that it will suffice if there is a direction to the third respondent to dispose of writ petitioner's representation dated 21.06.2019, within a time frame to be fixed by this Court.

6. To be noted, aforesaid representation to the third respondent dated 21.06.2019 is at page 82 of the typed set of papers, which has been placed before this Court as part of the case file.

7. In the light of the abridged/limited/restricted prayer, third respondent is directed to dispose of the aforesaid representation of the writ petitioner dated 21.06.2019 within a fortnight from today i.e., on or before 01.08.2019 in accordance with law. It is made clear that this Court does not express any opinion or view on the merits of the matter and all questions are left open.

8. The disposal of writ petitioner's representation

dated 21.06.2019 or in other words, the orders/proceedings disposing of the representation to be made within a fortnight from today by the third respondent shall be communicated to the writ petitioner under due acknowledgement within five working days therefrom.

9. Writ Petition is disposed of with above directions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.
4th Floor, Thalamuthu Natarajan Maligai
Egmore, Chennai - 8.
2. The Commissioner
Prohibition and Excise Department
Chepauk, Chennai.
3. The Revenue Divisional Officer
South Chennai Division
Guindy, Chennai.

+1cc to Mr.K.Sathishkumar, Advocate, S.R.No.61659
+1cc to Mr.M.Manimaran, Advocate, S.R.No.61114
+1cc to the Government Pleader, S.R.No.61888

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KK(CO)
CS/14/08/2019

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