

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM:

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

W.P.Nos.11676 & 11677 of 2017
and
WP Nos.12706, 12707 & 18256 of 2017

WP No.11676 of 2017

M/s.Srinivasa Youth Association,
Rep. by its President,
Kona Venkata Ratnam

... Petitioner

Vs.

1. The Union of India,
rep. by the Chief Secretary to Government,
Government of Puducherry,
Puducherry.

2. The District Collector cum
Special Secretary to Government,
Department of Revenue & Disaster Management,
Government of Puducherry,
Puducherry.

3. The Commissioner,
Excise Department,
Government of Union Territory of Puducherry,
Puducherry.

4. The Regional Administrator,
Yanam.

5. The Member Secretary,
Yanam Planning Authority,
Yanam.

6. M/s.Century Wines,
FL/01/01/DCE,
Yanam Bye Pass Road, Yanam.

7. M/s. Sakthi Wines,
FL/01/05/DCE,
Yanam Bye Pass Road, Yanam.

8. M/s. Victory Wines,
FL/01/01/DCE,
Yanam Bye Pass Road, Yanam.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, forbearing the respondent from in any manner constructing, establishing, locating the liquor shops of the Respondents 6 to 8 in the Survey Nos. identified as T.S.No.34/1B and R.S.No.33/1 Part in C.S.No.282/2/2 Part belonging to one Kavala Nagabushanam, Son of K.Nagaraja Rao; T.S.No.191/A, R.S.No.24/1 Part and C.S.No.194/2, 195/1, 195/2, 196, 198 Part, 199 part, 200 belonging to Kavala Ganapathy, Son of Kavala Tirumala Rayudu; and T.S.No.7/2, R.S.No.7/2 and C.S.No.204 and 315 belonging to Kavala Satyanarayamurthy, Son of Tirumala Rayudu of Kanakalapeta Village of the Yanam Region and in any other similar lands.

WP No.11677 of 2017

M/s.Srinivasa Youth Association,
Rep. by its President,
Kona Venkata Ratnam

.. Petitioner

Vs.

1. The Union of India,
rep. by the Chief Secretary to Government,
Government of Puducherry,
Puducherry.

2. The District Collector cum
Special Secretary to Government,
Department of Revenue & Disaster Management,
Government of Puducherry,
Puducherry.

3. The Commissioner,
Excise Department,
Government of Union Territory of Puducherry,
Puducherry.

4. The Regional Administrator,
Yanam.

5. The Member Secretary,
Yanam Planning Authority,
Yanam.

6. Yanam Cooperative Liquor Shop,
FL-02/18/DECY,
Flood Bank Road,
Kanakalapetta, Yanam.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the respondents 1 to 6 to close the 6th respondent liquor shop at T.S.No.191/A, R.S.No.24/1 Part and C.S.No.194/2, 195/1, 195/2, 196, 198 Part, 199 part, 200 belonging to Kavala Ganapathy, Son of Kavala Tirumala Rayudu, Kanakalapetta Village.

For Petitioner : Mr.S.P.Vijaya Raghavan
in both WPs.

For Respondents: Mrs. Usha (for R1 to R5)
in both WPs. Additional Govt. Pleader (Puducherry)

R6 to R8 in
W.P.Nos.11676/2017 : No Appearance

R6 in W.P.Nos.11677/2017 :No Appearance

C O M M O N O R D E R

(Order of this Court was made by S.Manikumar, J.)
On 18.06.2019, we passed the following order:
"M/s. Sai Bharath and Ilan Associates have filed the instant Public Interest Litigations for the following reliefs.
WP.No.11676 of 2017:

"For forbearing the respondents from in any manner constructing, establishing, locating the liquor shops of the respondents 6 to 8 in the Survey Nos. identified as T.S.No.34/1B and R.S.No.33/1 part in C.S.No.282/2/2 part belonging to one Kavala Nagabushanam, Son of K.Nagaraja Rao T.S.No.191/A, R.S.No.24/1 part and C.S.No.194/2, 195/1, 195/2, 196, 198 Part, 199 Part, 200 belonging to Kavala Ganapathy, Son of Kavala Tirumala Rayudu and T.S.No.72/, R.S.No.7/2 and C.S.No.204 and 315 belonging to Kavala Satyanarayanamurthy, Son of Tirumala Rayudu of Kanakalapeta Village of the Yanam Region or in any other similar land."

WP.No.11677 of 2017:

"For directing the respondents 1 to 6 to close the 6th respondent liquor shop at T.S.No.191/A, R.S.No.24/1 Part and C.S.No.194/2, 195/1, 195/2, 196, 198 Part, 199 Part, 200 belonging to Kavala

Ganapathy, Son of Kavala Tirumala Rayudu Kanakalapeta Village."

2. Mr.Sai Bharath has become a Public Prosecutor for Government of Pondicherry and Mr.G.K.Ilanthiraiyan, has become a learned Judge of this Court. It is also represented that the name of the firm has also been changed as "M/s.Sai Bharath Associates". Hence, submission has been made that a change of vakalat has to be filed.

3. Placing on record the above, Registry is directed to strike off "Ilan" and post the matter on 26.06.2019.

2. On this day, when the matter came up for hearing, Mr.S.P.Vijaya Raghavan, learned counsel for the petitioner now on record submitted that to circumvent the interim orders passed in the abovesaid writ petitions, respondents have opened liquor shops in the adjoining areas and therefore, instant writ petitions have to be retained.

3. Ms.Usha, learned Additional Government Pleader for Pondy submitted that all the liquor shops in the abovesaid survey numbers have been closed and nothing survives in the instant writ petitions for issuance of a mandamus.

4. Per contra, though Mr.S.P.Vijaya Raghavan, learned counsel now on record though submitted that with further particulars about the new shops opened in the adjoining areas, he would place materials and requested the Court to adjourn the instant writ petitions, we are not in agreement with the contentions made. If the shops opened in the adjoining areas, are in contravention with the provisions of Pondicherry Excise Rules, 1970, it is always open to the petitioner to approach the authorities under the rules and in the event of not discharging their duties, approach the Court for appropriate remedy. Consequent to the closure of the shops, nothing survives in this writ petition for issuance of any mandamus as prayed for. Hence, Writ petitions are dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Chief Secretary to Government,
Union of India,
Government of Puducherry,
Puducherry.

2. The District Collector cum
Special Secretary to Government,
Department of Revenue & Disaster Management,
Government of Puducherry,
Puducherry.

3. The Commissioner,
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Government of Union Territory of Puducherry,
Puducherry.

4. The Regional Administrator,
Yanam.

5. The Member Secretary,
Yanam Planning Authority,
Yanam.

+1 CC to Govt. Pleader sr 53233.

+1 CC to Mr.S.P.Vijaya Raghavan, Advocate sr 54190.

W.P.Nos.11676 & 11677 of 2017
and WP Nos.12706, 12707
& 18256 of 2017

VGII(CO)
SP(23/07/2019)

सत्यमेव जयते

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