

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2019

CORAM:

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

W.P.No.29229 of 2018

D.Sivakumar

.. Petitioner

Vs.

1. Union of India,
Rep. by the Chief Secretary to Government (Excise),
Government of Puducherry,
Secretariat, Beach Road, Puducherry.

2. The Superintendent of Excise,
Thattanchavady, Puducherry.

3. The Deputy Commissioner (Excise),
Government of Puducherry,
Excise Department,
Thattanchavadi (Near Govt. Press),
Puducherry.

4. Mr.V.Radhakrishnan
Proprietor,
Rajarajan Wines

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, directing the respondents 1 to 3 to close down the liquor vending shop of 4th respondent namely Rajarajan Wine Shop in Lawspet Karuvadikuppam Puducherry based on the representation dated 28.08.2018 of the petitioner.

For Petitioner : Mr.P.Gopiraja

For Respondents: Mr.C.T.Ramesh, (for R1 to R3)
Additional Government Pleader (Pondy)
Assisted by
Mr.Stalin Abhimanyu
Government Advocate (Pondy)
Mrs.Radha Gopalan (for R4)

O R D E R
(Order of this Court was made by S.Manikumar, J.)

On 09.11.2018, a Hon'ble Division Bench of this Court has passed the following order.

"The writ petition styled as a Public Interest Litigation pertains to the location of a liquor shop run by the 4th respondent for which, license has been granted by the respondents 1 and 2.

2. It is the submission of the learned counsel for the petitioner that the liquor shop being run by the 4th respondent is located within the prohibited distance of a nearby school as well as the religious structure and it is also causing hardship and nuisance to the people of the locality.

3. Mr.A.Gandhiraj, learned Senior Government Pleader [Puducherry] accepts notice on behalf of the respondents 1 to 3 and seeks time to get instructions.

4. Private notice to the 4th respondent returnable on 16.12.2018.

5. The Status Report / Counter affidavit of the respondents 2 and 3 apart from meeting out the allegations levelled by the petitioner shall also be indicated as to whether the area in and around the liquor shop being run by the 4th respondent is kept in a neat and tidy manner and on account of the consumers of liquor, any law and order problem is created and if so, the steps taken to abate and prevent such kind of nuisance.

6. Call on 06.12.2018."

2. Based on the counter affidavit filed by the Deputy Commissioner (Excise), Puducherry, the 3rd respondent herein, Mr.C.T.Ramesh, learned Additional Government Pleader (Pondy) submitted that there is no violation in the location of the shop. Relevant portion of the counter reads thus.

"...it is clearly seen from the topo-sketch print out from the google map website around the licensed premises of the 4th respondent, namely M/s.Rajarajan Wines, that the entrance / exit gate of the school namely Fathima Higher Secondary School is located about 200 meters away from the liquor shop and a temple namely Sithananda Swamy temple which is located just in front of the said school and it is also located at the same distance of 200 metres. I

respectfully submit also that the liquor shop is surrounded by commercial establishments such as a bike sales / service centre, floor tiles show room, a hardware shop and vacant lands. An arrack and toddy shop are functioning at about 100 metres distance from the licensed premises for more than 10 years.

10... based on the orders of the Hon'ble High Court dated 09.11.2018 in the present writ petition, an inspection was conducted by the enforcement officials on 01.12.2018 and as per the inspection report the liquor shop is maintained in neat and tidy condition and the vehicles are parked inside the licensed premises without causing @ hindrances to the public."

3.Placing on record the above, no further directions are required to be issued in this writ petition. Accordingly, Writ petition is dismissed. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ars
To

1. The Chief Secretary to Government (Excise),
Union of India,
Government of Puducherry,
Secretariat, Beach Road, Puducherry.

2. The Superintendent of Excise,
Thattanchavady, Puducherry.

3. The Deputy Commissioner (Excise),
Government of Puducherry,
Excise Department,
Thattanchavadi (Near Govt. Press),
Puducherry.

+1 CC to M/s.S. Radha Gopalan, Advocate sr 55916.
+1 CC to Govt. Pleader, Puducherry sr 56123

W.P.No.29229 of 2018

SKV(CO)
SP(17/07/2019)