



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P. (MD) No.5719 of 2019

T.Govindaraj

... Petitioner

Vs

1.The Commissioner of Prohibition and Excise,
Prohibition and Excise Department,
Ezhilagam, Chepauk,
Chennai -600 005.

2.The District Collector,
Karur District, Karur.

3.The Assistant Commissioner (Excise),
Prohibition and Excise Department,
Karur, Karur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to accept the shifting of petitioner's bar namely Hotel Padma and permit him to pay the renewal fee for the year 2019-2020 and renew the FL3 licence forthwith.

For Petitioner : Mr.T.Bashyam

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner is running a hotel by name Hotel Padma at Door No.98-101, Subbulakshmi Nagar, Karur. He is presently having FL3 license. The petitioner had to shift his place of business to the premises bearing Door No.3, Trichy main road, Toll Gate, Karur. The petitioner's FL3 license also expires on 31.03.2019. The petitioner submitted an application dated 07.03.2019 requesting the first respondent herein to grant permission to have the FL3 license for the new place of business also. Since the petitioner's application was not being considered, this writ petition came to be filed.

3.The learned counsel appearing for the respondents draws my attention to Rule 24 of Tamil Nadu Liquor (Licence and Permit) Rules, 1981. The said Rule reads as under:



"24. Transfer of licence, change of premises or locality;

Licences issued under these rules shall not be sold, transferred or sub-rented without the previous permission of the licensing authority. A licence holder shall not change the premises in which he carries on business under his licence except with the previous permission of the licensing authority. Permission to shift the business during the currency of the licence outside the area in which the licence is intended to serve shall be treated as the grant of a fresh licence and all the provisions relating to the grant of a new licence shall likewise apply to granting of such permission except those relating to the payment of the licence fee and collection of security deposit with reference to rule 23."

4. Since time is running out for the writ petitioner, this Court permits the petitioner to pay the renewal fees. The first respondent is directed to accept the online payment to be made by the writ petitioner.

5. The petitioner would further claim that the new place of business was inspected by the third respondent and they have not found anything adverse.

6. Taking note of the report filed by the third respondent, the first respondent shall pass appropriate orders in terms of Rule 24 of Tamil Nadu Liquor (Licence and Permit) Rules, 1981. Such an order shall be passed within a period of two weeks from the date of receipt of a copy of this order.

7. This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar (CS IV)

pnn



To தமிழ்நாடு

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2.The District Collector,
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+1 CC to M/s.T.BASHYAM, Advocate (SR-56968[F] dated 27/03/2019)

+1 CC to M/s.SPL GP (SR-57389[F] dated 28/03/2019)

W.P. (MD) No. 5719 of 2019

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