



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. [MD]No.21989 of 2019

and

W.M.P. [MD]No.18752 of 2019

Rajendra Kumar

: Petitioner

Vs.

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

2.The District Collector,
Kanyakumari District,
Kanyakumari.

3.The Manager,
Tamil Nadu State Marketing Corporation,
Kanyakumari District,
Nagercoil.

4.Stanly

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents 1 to 3 from granting permission to run the Manamahil Madram in Door No.14/27A (Survey No.151/12), Nithiraivilai Junction, Near Nithiraivilai Post Office, Nithiraivilai - 629 154, Killiyoor Taluk, Kanyakumari District except under due process of law.

For Petitioner : Mr.V.Sasikumar
For Respondents 1 to 3 : Mr.A.Muthukaruppan
Additional Government Pleader
For Respondent No.4 : Mr.Isaac Mohanlal
Senior Counsel
for Mr.T.Cibi Chakraborty

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.V.Sasikumar, learned Counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government



Pleader appearing for the respondents 1 to 3 and Mr.Mr.Isaac Mohanlal, Senior Counsel for Mr.T.Cibi Chakraborty, learned Counsel appearing for the fourth respondent.

3.The petitioner is aggrieved by the proposed establishment of an FL-2 license shop popularly known as Manamahil Mandram. We fail to understand the concept behind the rampant issuance of license, more particularly, in the southern districts. The concept of mutuality in a society is well defined. None of these Manamahil Mandrams hardly qualify to call themselves as an organisation which exists exclusively for the benefit of its members. Membership in such organisation can never be a membership of a society or a company registered under Section 25 of the Companies Act.

4.The learned Senior Counsel appearing for the fourth respondent, the owner of the property would submit that the fourth respondent has leased out the property to the third party which is a society and the said society will apply for the necessary license and the said society has not been impleaded as a respondent in the writ petition.

5.The learned Additional Government Pleader submitted that as on date, no application has been received by the authorities for grant of FL-2license either in the name of Society or in the name of the fourth respondent.

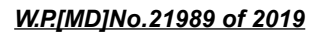
6.Be that as it may, we are concerned about the genuinity of these organisations. It is common knowledge that in the past, grant of FL-2 license was next to impossible and stringent conditions were imposed. However, the recent trend is highly disturbing as largely license is granted not only in Madurai District but other districts in southern Tamil Nadu, more particularly, in the past 1 ½ years. It is not known as to whether the authorities conduct inspection to ascertain as to whether these Manamahil Mandrams which are said to be societies operating for the benefit of its members or it is indirectly involved in the sale of liquor. If there is an indirect sale, then obviously, the same is illegal. We make all these observations so that the authorities bear in mind that they cannot indiscriminately grant license apart from the fact that there are no periodic inspections of the license granted.

7.With the above observations, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //



To

- Order made in
W.P. [MD] No. 21989 of 2019
Dated: 17.10.2019

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