

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P. No.7710 of 2020

K.Devamani

... Petitioner

Vs.

1. Union of India
Rep. by the Chief Secretary to Govt. of Puducherry,
Chief Secretariat, Goubert Avenue,
Pondicherry - 605 001.
 - 2.The Excise Commissioner, Excise Department,
Thattanchavady, Puducherry - 605 006.
 - 3.The Anti-Corruption Bureau
ACB), Central Bureau of
Investigation, Puducherry.
- ... Respondents

Writ Petition filed under Article 226 of The Constitution of India for issuance of writ of mandamus forbearing the second respondent from allowing the liquor shops/Arrack/Toddy shops to be opened in the regions of Union Territory of Puducherry which were already suspended for committing violations during the Janata Curfew and National Lock down till the third respondent completes the investigation.

For Petitioner : Mr.R.Sridhar

For Respondents: Mr.D.Ravichandran,

Addl. Govt. Pleader (Puducherry)

O R D E R

(Order of the Court was made by M.M.Sundresh,J.)

This is a public interest litigation filed by the petitioner seeking a writ of mandamus forbearing the second respondent from allowing the liquor shops/arrack/toddy shops to be re-opened in the Union Territory of Puducherry, which were already suspended and apart from licences cancelled for effecting sales during the curfew and lock down and till the completion of the investigation by the third respondent.

2. The learned counsel appearing for the petitioner submitted that a larger investigation is pending with the third respondent. Though the Union Territory of Puducherry has taken action either by suspending the licences granted to the liquor shops or cancelling them for the violation committed in effecting the sales illegally in the black market during the lock down, time is being given to re-open them.

3. On a query, the learned Government Pleader appearing for the Union Territory of Puducherry submitted that the action has been taken against the licencees for indulging in illegal activities during the curfew/lock down by either suspending the licences or cancelling them, after due notice. Insofar as the cancellation of the licences are concerned, there is no question of reviewing them as such a decision has been made after affording due opportunity to the licensees and based upon the empirical data and material. Insofar as the shops for which licences are suspended, further decision will have to be taken by passing final orders after following the procedure. Even in these cases, in the absence of any further order or decision to be made, which would be done based upon adequate materials, there is no question of permitting the licences to re-open the shops.

4. In view of the above, except by recording the statement made by the learned Government Pleader, we do not find any reason to grant the relief sought for by the petitioner.

5. The investigation by the agency is different from taking action by the appropriate authority on the alleged violation of the conditions of the licences granted. We further make it clear that while the suspended shops cannot be allowed to re-open, it is well open to the appropriate authority to pass appropriate orders on the same based upon the relevant materials. We further make it clear that the allegation made by the petitioner in the affidavit are not gone into and accordingly, they are eschewed. We may further note that the order passed by us in the writ petition will not have any bearing in the writ petitions filed challenging the action of the Government of the Puducherry and, therefore, they will have to be decided on its own merits.

6. In such view of the matter, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa/mmi

To

1. The Chief Secretary to Govt. of Puducherry,
Union of India, Chief Secretariat, Goubert Avenue,
Pondicherry - 605 001.
2. The Excise Commissioner, Excise Department,
Thattanchavady, Puducherry - 605 006.
3. The Anti-Corruption Bureau (ACB)
Central Bureau of Investigation,
Puducherry.
4. The Additional Government Pleader, for Puducherry,
High Court, Madras.

W. P.No.7710 of 2020

RSV (CO)

RMP (24/07/2020)



WEB COPY