

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.7946 of 2020

K.Devamani

... Petitioner

Vs.

1.The Administrator,
Government of Puducherry,
Puducherry.

2.Union of India,
Rep. By the Chief Secretary to Govt. of Puducherry,
Chief Secretariat,
Goubert Avenue,
Pondicherry - 605 001.

3.The Excise Commissioner,
Excise Department,
Thattanchavady,
Puducherry - 605 006.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to publish the details of the names of the License holders/shops pertaining to all type of License viz., FL-1, F1-2, Liquor shops, Arrack shops, Toddy shops against whom the criminal cases and enquiry were initiated by the Excise Department for violating the guidelines issued under the Disaster Management At and the Excise Rules and Instructions given during the National Lock Down Period and also to update the daily status of the Action Taken Report/enquiries conducted by the Excise Department in the Official Website of Government of Puducherry/Excise Department to ensure transparency by considering the representation of the petitioner dated 30.05.2020 given to the respondent.

For Petitioner .. Mr.R.Sreedhar

For Respondents .. Mrs.N.Mala, GP (Puducherry)

ORDER

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

The petitioner has come forward to file this writ petition on the apprehension that such of those licensees, who are facing suspension order apart from cancellation, are running the liquor shops. Therefore, the particulars of the licensees whose licences have been either suspended or cancelled will have to be furnished so that the petitioner will come to know of the same and thereafter to complain to the official respondents on finding that they are in deed carrying on vending in liquor business notwithstanding the prohibition in force.

2. The learned Government Pleader appearing for the respondents submitted that action is being taken to see to it that those licenses have been either suspended or cancelled are not carrying on business. Now, in some cases, after due enquiry, licenses have been cancelled and in other cases enquiry is going on. Therefore, furnishing information at this stage would not be feasible and in any case, the petitioner could very well approach the authority concerned under the Right to Information Act seeking required information.

3. The very object for seeking information is to verify as to whether the licensee who has got his license either suspended or cancelled is running the business or not. This is based upon the mere surmise or apprehension on the part of the petitioner. Therefore, we direct the official respondents to see to it that no such person whose license has been either cancelled or suspended is running business either directly or indirectly. A due verification will have to be made in this regard and appropriate action will have to be taken within a period of four weeks from the date of receipt of a copy of this order and a report is to be filed before this court.

4. This writ petition stands disposed of accordingly with the above directions. Post this matter on 12.08.2020 for reporting compliance. The petitioner is at liberty to furnish to the official respondents about the details of those persons who have been allegedly doing business notwithstanding the orders of

suspension or cancellation within a period of one week from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

raa / kmk
To

- 1.The Administrator, Government of Puducherry,
Puducherry.
- 2.The Chief Secretary to Government of Puducherry,
Union of India, Chief Secretariat, Goubert Avenue,
Pondicherry - 605 001.
- 3.The Excise Commissioner, Excise Department,
Thattanchavady, Puducherry - 605 006.

Copy to:
The Posting Clerk,
WRIT Section, High Court, Madras.

W.P.No.7946 of 2020

A.SK(23/07/2020)



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