

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.9726 of 2020

and

WMP. No.11841 of 2020

M/s.Saraswathi Wines,
Rep.by its Partner,
Mr.R.Balou,
No.4/27, Navasannithi Street,
Villianur, Puducherry.

...Petitioner

Vs

1 Union of India
Rep by Union Territory of Puducherry,
Rep. by the Commissioner (Excise) cum-Licensing
Authority, Puducherry.

2 Union of India,
Rep by Union Territory of Puducherry,
Rep. by the Deputy Commissioner (Excise) cum-
Licensing Authority, Puducherry.Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus directing the first respondent to forthwith dispose of the appeal filed by the petitioner before the first respondent against the order of the 2nd respondent in No.1805/DCE/IMFL/2020-21/PARTXXIX dated 07.05.2020 cancelling the FL-2 licence of the petitioner.

For Petitioner : Ms. G.P.Bhargavi

For Respondents : Mr.J.Kumaran, AGP (P)

O R D E R

Mr.J.Kumaran, learned Additional Government Pleader (Pondicherry) accepts notice for the respondents and is armed with instructions to proceed with the matter.

2. By consent expressed by both learned counsel, this matter is taken up for final disposal even at the stage of admission.

3. I have had occasion to deal with an identical issue in W.P.Nos.9472, 9473 and 9476 of 2020 and have passed the following order:

Heard Ms.G.P.Bhargavi, learned counsel for the petitioners and Mr.J.Kumaran, learned Additional Government Pleader (Pondicherry) for the respondents.

2. By consent expressed by both learned counsel, these writ petitions are taken up for final disposal even at this stage.

3. The prayer of the petitioners is for a mandamus directing the first respondent to dispose the appeals filed by the petitioners challenging the order of the 2nd respondent dated 05.05.2020 and 07.05.2020, cancelling the FL2 licenses.

4. When this matter came up for admission on 20.07.2020, Mr.Kumaran, learned Standing Counsel accepted notice on behalf of the respondents and pointed out that in two out of the three writ petitions defects memos were ready to be issued by the Excise Authorities pointing out certain defects in the appeals filed. As regards the third appeal filed, defect memo issued by the authority had been complied with by the petitioner. This Court has thus directed that the two defect memos be also served upon the petitioners in order to enable them to comply with this same. This appears to have been done as on date.

5. The three appeals filed are thus defect free. Mr.Kumaran, learned Additional Government Pleader states that the same would be taken up for hearing and disposal in accordance with law. This is recorded.

6. The petitioner is permitted to approach the 1st respondent praying for early/expeditious hearing, which request, as and when filed, will be promptly considered and decided by the first respondent depending on his roster.

7. With the aforesaid directions, these writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

4. Since both learned counsel state that the facts and circumstances of the present case is identical to that above, the same order is taken to be passed in the present matter as well.

5. The petitioner is permitted to approach the 1st respondent praying for early/expeditious hearing, which request, as and when filed, will be promptly considered and decided by the first respondent depending on his roster.

6. With the aforesaid directions, this writ petition stands disposed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner (Excise) cum-Licensing Authority ,
Union of India, Union Territory of Puducherry,
Puducherry.
- 2 The Deputy Commissioner (Excise) cum-
Licensing Authority,
Union Territory of Puducherry,
Union of India, Puducherry.

W.P. No.9726 of 2020
and
WMP. No.11841 of 2020

RSV(CO)
KKV/29/07/2020

सत्यमेव जयते

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