



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.13384 of 2020

WEB COPY

Indian Manamahil Mandram (FL2),  
Rep. by its President S.Pachaiyappan,  
S/o.C.Subbaiah,  
No.62-A, P.H.Road,  
Bodinayakkanur,  
Theni District.

... Petitioner

Vs.

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

... Respondent

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to refund the proportionate privilege fee and licence fee for the non transactional period of five months and 18 days ie., from 17.03.2020 to 03.09.2020 on the representation of the petitioner club dated 09.09.2020.

|                |                               |
|----------------|-------------------------------|
| For Petitioner | : Mr.T.Bashyam                |
| For Respondent | : Mr.M.Rajarajan              |
|                | Additional Government Pleader |

### **O R D E R**

Heard the learned counsel on either side.

2.The petitioner is a Recreation Club. It was granted FL2 licence. The petitioner states that on account of lock down restrictions, the bar was closed and no business was transacted for almost six months. The petitioner, therefore, seeks refund of the privilege fee on proportionate basis for the non transactional period.

3.The petitioner's counsel draws my attention to Rule 24-A of Tamilnadu Liquor (Licence and Permit) Rules, 1981. Rule 24-A reads as follows:-

"Rule-24-A Refund of licence fee in certain cases:-

A licensee, who has not transacted any business under the licence shall apply to the licensing authority for refund of the licence fee along with the licence granted to him. On receipt of the application, the



licensing authority may refund the licence fee, if he is satisfied that the licensee has not transacted any business under licence granted to him."

4.The petitioner has also given representation in this regard.

5.The respondent is directed to pass orders on the petition mentioned representation within a period of six weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**To:**

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

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**NA (CO)**

**AP (21/10/2020) 2P 2C**