



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.16644 of 2020

Five Star Recreation Club,

Represented by its Secretary R.Thangapandi

... Petitioner

Vs

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

... Respondent

PRAYER: Petition 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 i.e., from 17.03.2020 to 03.09.2020, based on the representation of the petitioner Club dated 08.10.2020.

For Petitioner : Mr.T.Bashyam

For Respondents : Mr.C.Ramesh

Special Government Pleader

ORDER

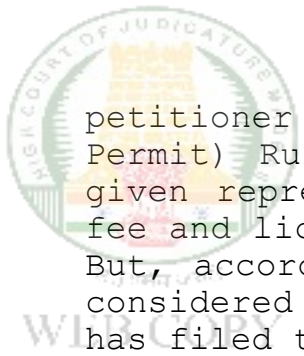
(This Petition was heard through the Video Conferencing)

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to refund the proportionate privilege fee and licence fee for the non transactional period of five months and 18 days i.e., from 17.03.2020 to 03.09.2020, based on the representation of the petitioner / Club dated 08.10.2020.

2. Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.T.Bashyam, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondent.

4. It is the contention of the petitioner that the petitioner is a Recreation Club having a valid FL2 licence for running a bar at the said Club. But, due to COVID-19 lock down, he has not been able to run his licensed bar from 17.03.2020 to 03.09.2020. The petitioner submitted that for the said period, he has paid the privilege fee and licence fee in advance. The



petitioner rely upon Rule 24-A of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981 and as per the said Rule, the petitioner has given representation on 08.10.2020 seeking for refund of privilege fee and licence fee paid by him in advance for the aforesaid period. But, according to the petitioner, till date, the same has not been considered by the respondent. In such circumstances, the petitioner has filed this writ petition.

5. Rule 24-A of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981 reads thus:-

"if any 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"

6. The petitioner has given a representation to the respondent under the aforesaid Rule. It is the duty of the respondent to consider the same on merits. Therefore, this Court is inclined to dispose of the writ petition by issuing the following directions:-

"the respondent is directed to consider the representation of the petitioner, dated 08.10.2020 on merits and in accordance with law and as per Rule 24-A of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981, after affording opportunity of hearing to the petitioner, within a period of four(4) weeks from the date of receipt of a copy of this order."

7. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

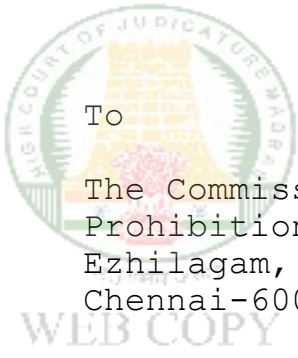
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/ /2020

Sub Assistant Registrar(CS)

tsg

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.

+1 CC to M/s.SPL GP (SR-22950[F] dated 26/11/2020)

W.P. (MD) No.16644 of 2020
23.11.2020

KMV(CO)
KB(08.12.2020) 3P 3C