



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)Nos.18027, 18029, 18032 & 18035 of 2020

(Through Video Conference)

WEB COPY

The Golden Park(FL3),
Rep. by its Managing Partner
K.P.Sivasubramaniyan

... Petitioner in W.P.(MD)
No.18027 of 2020

Sri Venkateswara Boarding
and Lodging (FL3), Rep., by its
Proprietor Karthikeyan

... Petitioner in W.P.(MD)
No.18029 of 2020

Hotel A.K.M.G.(FL3),

Rep. by its Proprietor Karthikeyan ... Petitioner in W.P.(MD)
No.18032 of 2020

Palani Sri Rajalakshmi Hotel, (P) Ltd, (FL3)

Rep. by its Managing Director. ... Petitioner in W.P.(MD)
R.Suriyanarayanan No.18035 of 2020

Vs.

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

... Respondents in all W.P.'s

COMMON PRAYER: Petitions 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 license 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 representations of the petitioners dated 28.11.2020, 02.11.2020, 02.11.2020 & 10.11.2020.

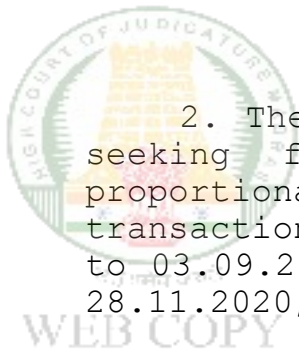
In all W.P.'s:

For Petitioners : Mr.T.Bashyam

For Respondent : Mr.C.Ramesh,
Special Government Pleader

C O M M O N O R D E R

Since the issue involved in all these writ petitions are similar in nature, they are disposed of by this common order.



2. These writ petitions have been filed for a Writ of Mandamus seeking for a direction to the respondent to refund the proportionate privilege fee and license 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 representations of the petitioners dated 28.11.2020, 02.11.2020, 02.11.2020 & 10.11.2020 respectively.

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

4. By consent of both sides, these writ petitions are taken up for final disposal at the admission stage itself.

5.It is the contention of the petitioners that the petitioners are running Hotels at the respective places after getting proper FL3 licence from the respondent. But, due to COVID-19 lock down, they have not been able to run their licensed bar from 17.03.2020 to 03.09.2020. The petitioners submitted that for the said period, they have paid the privilege fee and licence fee in advance. The petitioners rely upon Rule 24-A of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981 and as per the said Rule, the petitioners have given representations on 28.11.2020, 02.11.2020, 02.11.2020 & 10.11.2020 respectively seeking for refund of privilege fee and licence fee paid by them in advance for the aforesaid period. But, according to the petitioners, till date, the same has not been considered by the respondent. In such circumstances, the petitioners have filed these writ petitions.

6.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".

7.The petitioners have given 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 these writ petitions by issuing the following directions:-

"the respondent is directed to consider the representation of the respective petitioners, dated 20.09.2020 and 21.09.2020, 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 petitioners, within a period of four(4) weeks from the date of receipt of a copy of this order."

8. With the above directions, these Writ Petitions are disposed of. No costs.

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Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

+1cc to SPL GP Sr.No.24890

Common Order made in
W.P. (MD) Nos.18027, 18029,
18032 & 18035 of 2020
09.12.2020

VB (08.01.2021) 3P 3C