

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH
W.P. Nos.8438 of 2021
and
WMP. No.8981 of 2021

Hotel Anbagam Residency,
No 5/2, Gajalakshmi Theater Road,
Near Valarmathi Bus Stop,
Tiruppur- 641604 Rep by its Partner,
MR. Anbagam Tirupathi.

...Petitioner

Vs.

1.The Commissioner of Prohibition and Excise
Cum Licensing Authority, Chepauk,
Chennai.

2.The District Manager TASMAL
Tiruppur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ Mandamus to direct the 1st Respondent to consider the Representation of the Petitioner dated 4.3.2021 seeking for extension of time for running the Liquor Bar FL3 license for a further period of 6 months or in the alternative refund the license fee for the Lock down period from 17.3.2020 to 4.9.2020.

For Petitioner : Mr.N.Umapathy

For Respondents : Mr.R.P.Prathap Singh,
Government Advocate

ORDER

Mr.R.P.Prathap Singh, learned Government Advocate accepts notice for the first respondent and is armed with instructions to proceed finally in this matter. There is no panel counsel available online to accept notice for R2. However, in light of

the order that I proposed to pass, notice to R2 may not be necessary.

2. I have considered a similar issue as pending before me now, in W.P. Nos.4609 of 2021 and batch where, several petitioners have approached this Court seeking remission of refund/adjustment of the licence and privilege fee for the period 2021-22 as against the licence and privilege fee for the forthcoming years invoking the provisions of Rule 24(A) of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981, and directed the first respondent to pass orders granting the refund.

3. As regards the adjustment, since the Rule does not expressly provide for adjustment, I have directed the authority to consider the request of the petitioner in this regard. The same order is passed in this case as well. Since the petitioner is desirous of a personal hearing prior to passing orders by the authorities, such opportunity be afforded to the petitioner and orders passed as above within a period of four (4) weeks from today.

4. This writ petition is disposed with the aforesaid directions and connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner of Prohibition and Excise
Cum Licensing Authority, Chepauk, Chennai.

2.The District Manager TASMAL, Tiruppur.
+1cc to Mr.N.Umapathi, Advocate SR.No.21567

W.P. Nos.8438 of 2021

and

WMP. No.8981 of 2021

KV (CO)

GMV (09/04/2021)