



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.25122 of 2021

(Through Video Conferencing)

M/s.Hotel Sivaranjani,
Represented by its Partner,
V.Mohanraj,
No.177, Brough Road,
Erode.

...Petitioner

Vs

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner of Prohibition and Excise,
Government of Tamil Nadu,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai - 600 005.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to refund the license and privelege fees paid in respect of License No.FL3-28/2010-2011 for Excise Year 2019-2020 and 2020-2021 corresponding to the period of lockdown of 171 days when no business operation was permitted, in accordance with Rule 24-A of the Tamil Nadu Liquor (License and Permit) Rules, 1981.

For Petitioner : Mr.S.R.Mounaswamynathan

For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

Mr.D.Ravichander, learned Special Government Pleader takes notice on behalf of the respondents.



2. Though a wider relief has been sought for in this writ petition, it is noticed that the petitioner has sent a representation dated 30.03.2021 to the respondents. However, it has not evoked any response from the respondents one way or the other.

3. Considering the same, this Writ Petition is disposed by directing the second respondent to consider the representation of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

4. While considering the representation of the petitioner, the second respondent shall also factor the decision of this Court in Mr.N.Devendra Gupta and others Vs The State of Tamil Nadu, Represented by the Secretary to Government, Chennai and another, passed in W.P.Nos.4609 of 2021 etc., batch dated 31.03.2021. It is needless to state that before passing such order, the second respondent shall also follow the Principles of Natural Justice by granting an opportunity of personal hearing to the petitioner. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Secretary to Government,
The State of Tamil Nadu,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Prohibition and Excise,
Government of Tamil Nadu,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai - 600 005.

+1cc to Mr.S.R.Mounaswamynathan, Advocate, S.R.No.60974
+1cc to the Government Pleader, S.R.No.61446

W.P.No.25122 of 2021

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NSK 08/12/2021