

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.20373 of 2020 &
WMP.No.25159 of 2020

M/s.Rathinam Bar, (Lic No.85/FL.2)
Represented by authorized person
Mr.Boobalan
NSJ Complex Building,
No.51, Ellaipillaichavaday Main Road,
Puducherry .. Petitioner

Vs.

1.The Secretary to Government (Art & Culture/
Wakf)-cum-Commissioner (Excise)
Government of Puducherry,
Chief Secretariat, Puducherry.
2.The Deputy Commissioner (Excise)-
cum-Licensing Authority,
Government of Puducherry,
Office of the Deputy Commissioner (Excise)
Industrial Estate, Thattanchavadi,
puducherry .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus seeking to transfer the Statutory Appeal dated 10.10.2020 filed by the petitioner under section 60(2) of the Puducherry Excise Act, 1970 and r/w Rule 215 of the Puducherry Excise Rule, 1970 against order vide No.1805/DCE/IMFL/2020-21/Part XLIV/942 dated 28.09.2020 passed by the 2nd respondent namely Deputy Commissioner (Excise)-cum-Licensing Authority Government of Puducherry, which is pending on the file of the 1st respondent to some other officer.

For Petitioners : Mrs.Hema Sampath
Senior Counsel for
Mr.M.Vaikunth

For Respondents: Mr.J.Kumaran
Additional Government Pleader (P)

O R D E R

The petitioner prays for a mandamus seeking transfer of appeal filed by it on 10.10.2020 in terms of Section 60(2) of the Puducherry Excise Act, 1970 read with Section 215 of the

Puducherry Excise Rules, 1970 challenging order dated 28.09.2020 pending on the file of the first respondent, to some other officer.

2. The reason adduced are that the counsel on record who is representing the petitioner in the appellate proceedings has, in another matter, filed an application for contempt before this Court, on account of which R2 was summoned before the Court. The petitioner thus seems to apprehend that the counsel would not be treated fairly and more importantly that the appeal, not be heard in a proper manner.

3. R1, before whom the appeal is pending, is a quasi judicial authority who is expected to be fair in conducting the appeal proceedings. Mr.Kumaran who appears for the respondent, also assures the Court that the officer carries no prejudice as against the petitioners' counsel and will hear the appeal in accordance with fairness, decorum and law. This writ petition is closed recording the above. Connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkp/vs

To

1.The Secretary to Government (Art & Culture/
Wakf)-cum-Commissioner (Excise)
Government of Puducherry,
Chief Secretariat, Puducherry.

2.The Deputy Commissioner (Excise)-
cum-Licensing Authority,
Government of Puducherry,
Office of the Deputy Commissioner (Excise)
Industrial Estate, Thattanchavadi, puducherry

+1cc to the Government Pleader, S.R.No. 933

W.P.No.20373 of 2020

& WMP.No.25159 of 2020

SSD (CO)

GN (01/02/2021)

<https://hcservices.ecourts.gov.in/hcservices/>