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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.25188 of 2017

and

W.M.P.No.26623 of 2017

K.Sivakumar

.. Petitioner

Vs.

1.The Commissioner, (I/C)
Prohibition and Excise Department,
Chepauk, Chennai - 600 005.

2.The District Collector,
Cuddalore District, Cuddalore.

3.The Assistant Commissioner (Excise),
Prohibition and Excise Department,
Cuddalore, Cuddalore District.

4.The Senior Regional Manager,
TASMAC, Cuddalore,
Cuddalore District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the benefits of the communication issued by the 1st respondent in his letter No. P & E 2 (4) / 12740 / 2016, dated 01.09.2017 for reopen the petitioner's bar and permit room situated at S.K.Guest House, Vandigate, Opp : Telephone Exchange, Cuddalore Main Road, Chidambaram, Cuddalore District consequently directing the 4th respondent to supply the liquors to the petitioner's S.K.Guest House.

For Petitioner : Mr.C.Prakasam
For RR 1 to 3 : Mr.V.Nanmaran
For R4 : Mr.K.Sathish Kumar

ORDER

The circular issued by the Commissioner, Prohibition and Excise Department to all the District Collectors in letter dated 01.09.2017 is under challenge in the present Writ Petition. The



impugned circular was issued based on the Hon'ble Supreme Court order.

2.The learned counsel for the petitioner states that there are subsequent developments and clarifications issued and accordingly in certain areas bar is permitted as per the clarifications. The case of the petitioner falls under the clarifications and therefore, the petitioner is entitled for the relief.

3.This Court is of the considered opinion that the case of the petitioner requires a factual adjudication before the authorities competent to ascertain whether the bar is proposed to be run within the area, where permission is especially granted. Such factual details deserves an adjudication, which cannot be undertaken in a Writ mandates under Article 226 of the Constitution of the India. Thus, the petitioner is at liberty to submit a fresh representation stating out all the facts and details along with the clarifications, Government Orders and judgments and in the event of receiving any such representation, the respondents are directed to consider the same and pass orders as expeditiously as possible.

4.With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

krk

To

- 1.The Commissioner, (I/C)
Prohibition and Excise Department,
Chepauk, Chennai - 600 005.
- 2.The District Collector,
Cuddalore District, Cuddalore.
- 3.The Assistant Commissioner (Excise),
Prohibition and Excise Department,
Cuddalore, Cuddalore District.



4.The Senior Regional Manager,
TASMAC, Cuddalore,
Cuddalore District.

+1cc to the Government Pleader, S.R.No.28510

W.P.No.25188 of 2017

PMK(CO)
CB(22/07/2021)

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