



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

W.P(MD)Nos.4865, 4866, 4868, 4870 and 4871 of 2021

Joy Recreation Club
Rep. by its Secretary K.Pandy.
Madurai District. ... Petitioner W.P(MD)No.4865 of 2021

Yours Recreation Club
Rep.By its Secretary Thavaselvam,
S/o. Palsamy, No.176, Usilai Road,
Thirumangalam - 625 706, Madurai District
... Petitioner(s) in WP(MD). 4866/ 2021

Theni Thai Manamahil Mandram,
Rep.By its Secretary V.Ramesh,
S/o. Vellaipandi, No.24-1-168,
Karunkattangulam, Main Road,
Chinnamanur - 625 515,
Uthamapalayam Taluk, Theni District
... Petitioner(s) in WP(MD). 4868/ 2021

Pothigai Manamahil Mandram,
Rep.By its Secretary Mahesh Kannan,
S/o.Kanagaraj, Arunachalam Colony,
6th Ward, Usilampatti Main Road,
Ezhumalai 625 535, Peraiyur Taluk, Madurai.
... Petitioner(s) in WP(MD). 4870/ 2021

Muthumari Manamagil Mandram,
Rep.By its Secretary Kasirajan,
S/o Karuthakannu Thevar, No.11-1-81,
F-9, T.K.Complex, Sathya Nagar 1st Street,
Madurai Road, Usilampatti - 625 532.
... Petitioner(s) in WP(MD). 4871/ 2021

Vs.

The Commissioner of Prohibition and Excise,
Prohibition and Excise Department,
Ezhilagam, Chepauk,
Chennai - 600 005. ... Respondent in all Petitions



COMMON PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to refund the proportionate privilege fee and licence fee for the non transactional period of five months and 18 days ie., from 17.03.2020 to 03.09.2020, based on the representation of the petitioner club, dated 22.01.2021, 06.10.2020, 09.10.2020, 27.01.2021 and 03.02.2021.

For Petitioner : Mr.Bashyam. T.

For Respondent : Mr.V.Anand
Govt.Advocate

COMMON ORDER

The Writ Petitions have been filed praying for issuance of Writ of Mandamus, directing the respondent to refund the proportionate privilege fee and licence fee, for non transactional period of 5 months and 18 days ie., from 17.03.2020 to 03.09.2020, based on the representation of the petitioners' club, respectively dated 22.01.2021, 06.10.2020, 09.10.2020, 27.01.2020 and 03.02.2021.

2. I have heard the learned counsels appearing on either side and perused the materials available on record.

3. The learned counsel appearing for the petitioners invited the attention of this Court to Rule 24-A of Tamilnadu Liquor (Licence and Permit) Rules, 1981. Rule 24-A reads as follows:-

"Rule-24-A Refund of licence fee in certain cases:-

A 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."

4.The petitioner has also given representation in this regard.

5.In view of the above, the respondent is directed to pass orders on the petition mentioned representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



6. The Writ Petitions are disposed of accordingly. No costs.

WEB COPY

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

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.

+1 CC to M/s.SPL GP (SR-17189 to 17193[F] dated 22/04/2021)

W.P(MD)Nos.4865, 4866, 4868, 4870 and 4871 of 2021
21.04.2021

sj(CO)
TR(17.05.2021) 3P 3C