



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6603 of 2021

WEB COPY

Tamil Nadu FL2, FL3 & Hotel Association,
Rep. by its President R.Rajangam,
S/o.Rasu Thevar,
Having Office at No.218, P.P.Chavadi,
Theni Main Road,
Madurai-625 016.

... Petitioner

-Vs-

The Commissioner of Prohibition and Excise,
Prohibition and Excise Department,
Ezhilagam, Chepauk,
Chennai-600 005.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to refund the proportionate privilege fee and license fee for the non-transactional period of five months and eighteen days ie., from 17.03.2020 to 03.09.2020 to the members of the petitioner Association who are running FL2 and FL3 bars or otherwise adjust the proportionate amount for the year 2021-22 based on the representation of the petitioner Association, dated 19.02.2021.

For Petitioner : Mr.K.Gokul
For Respondent : Mrs.S.Srimathy
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

2.The petitioner is a registered Association. Its members are running recreation clubs, sports clubs & hotels and are enjoying F.L2 and F.L3 licenses. The petitioner Association has filed this writ petition espousing a cause of its members.

3.As rightly pointed out by the learned Special Government Pleader, a writ petition of this nature filed by the Association is not maintainable. However, in order to prevent maintainability of limitation, I deem it fit and appropriate to grant some relief in this writ petition.



4.The petitioner's counsel pointed out that on account of prevalence of COVID-19 pandemic, the bars run by the members of the petitioner Association remained non-functional and in-operated for a period from 17.03.2020 to 03.09.2020. But for this period, the members of the petitioner Association have already remitted the necessary fees.

5.According to Rule 24(A) of Tamil Nadu Liquor (License and Permit) Rules, 1981, a licensee who has not transacted any business under the license, shall apply to the licensing authority for refund of the license fee on proportionate basis. It is open to the members of the petitioner Association to file an application under Rule 24(A) of the aforesaid Rules, if they have not already filed. As and when they submit an application, the same will be disposed of by the respondent as expeditiously as possible. The respondent may either refund the license fee and privilege fee on proportionate basis or adjust the same towards the renewal fee that may have to be remitted by the members.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmi

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.K.GOKUL, Advocate (SR-14142[F] dated 29/03/2021)

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DKS (CO)

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