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W.P.(MD)No.12964 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

**W.P. (MD)No.12964 of 2020
and W.M.P. (MD) No.11015 of 2020
(Through Video Conferencing)**

M.P.Sankarapandian : Petitioner

Vs.

1.The District Collector
Madurai District, Madurai.

2.The Assistant Commissioner (Excise)
Madurai City.

3.The Manager,
Excise and Customs,
Madurai.

4.M/s.Moon Tower Club
21 PT Rajan Road,
Sellur,
Madurai

: Respondents

(R4 is suo motu impleaded as per
order dated 05.10.2020 in WP(MD)No.12964 of 2020)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents not to grant the license to run the TASMAL shop (Manamahilmandram) at Junction in Jeeva Main Road, Kulamangalam Road, Madurai North, Madurai District, based on the petitioner's representation dated 17.02.2020 and 15.09.2020.

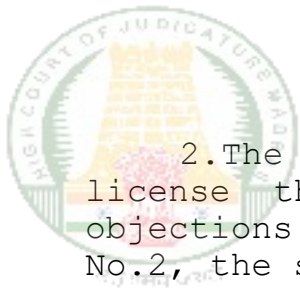
For Petitioner : Mr.M.Ramu
For Respondents : Mr.T.Murugaraj for R1 & R2
Government Advocate
Mr.J.Jeyakumar R4
Mr.H.Arumugam for R3

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner herein has come forward to issue a Writ of Mandamus directing the respondents not to grant license to run the club, based upon the representation dated 17.02.2020.

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



2.The learned counsel for the petitioner submitted that the license though issued has been anti-dated, there are serious objections and without considering the report of the respondent No.2, the same has been granted.

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3.The learned Government Advocate appearing for the respondents 1 and 2 submitted that there is no *bona fide* in the writ petition filed. It is filed only to settle the personal score. The license has also been given, after conducting due enquiry. The said license has been transferred thereafter, as the respondent No.4 wants to change the place of functioning. The Commissioner of Police, Madurai, has also given no objection certificate. On the objection of the petitioner, a report has been called for and the report of the Additional Divisional Excise Officer (North) is awaited.

4.Inasmuch as the license has already been granted, the relief sought for does not survive any longer. However, a report of the Additional Divisional Excise Officer is still awaited.

5.In such view of the matter, the Additional District Excise Officer, Madurai North is directed to send a report to the respondent No.2 within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent No.2 shall pass appropriate orders.

6.The writ petition stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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

1.The District Collector
Madurai District, Madurai.

2.The Assistant Commissioner (Excise)

<https://hcservices.madurais.gov.in/CsServices/>



3.The Manager,
Excise and Customs,
Madurai.

Copy to
The Additional District Excise Officer,
Madurai North.

Order made in
W.P. (MD) No.12964 of 2020
Dated: 22.01.2021

PK (CO)
TR(09.02.2021) 3P 5C