



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.2467, 2468 and 2469 of 2022

M/s.Green Coconut Resort (FL3)
Represented by its Managing Partner
Mr.J.M.A.Hussain, No.58/1, East Coast Road
Muttukadu, Kanchipuram District.

... Petitioner in W.P.No.2467 / 2022
and 2468 of 2022

M/s.Hotel Mount Heera (FL3)
Represented by its Managing Partner
Mr.J.M.A.Hussain, No.287, M.K.N.Road
St.Thomas Mount, Chennai 600 016.

... Petitioner in W.P.No.2469 / 2022

-Vs-

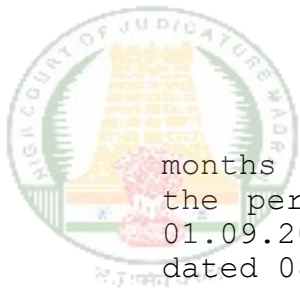
The Commissioner of Prohibition
and Excise, Ezhilagam, Chepauk
Chennai 600 005.

... Respondent in all W.Ps.

Prayer in W.P.No.2467/2022: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to refund the proportionate privilege and licence fee for the transactional period of one year four months and 21 days ie., from 01.04.2017 to 21.08.2018 based on the representation given by the petitioner dated 08.12.2021.

Prayer in W.P.No.2468/2022: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to refund the proportionate privilege and licence fee for the transactional period of Five Months and 25 days ie., from 17.03.2020 to 10.09.2020 and the period of four months and 7 days ie., from 24.04.2021 to 01.09.2021 based on the representation given by the petitioner dated 08.12.2021.

Prayer in W.P.No.2469/2022: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to refund the proportionate privilege and licence fee for the transactional period of Five



months and 25 days ie., from 17.03.2020 to 10.09.2020 and the period of four months and 7 days ie., from 24.04.2021 to 01.09.2021 based on the representation given by the petitioner dated 08.12.2021.

WEB COPY

For Petitioners in all W.Ps: Mr.R.Surya Prakash

For Respondent in all W.Ps: Mr.S.Ravichandran
Additional Government Pleader

C O M M O N O R D E R

The prayer sought for herein is for a Writ of Mandamus to direct the respondent to refund the proportionate privilege and licence fee for the respective transactional period in each of the writ petitions based on the representation given by the petitioners dated 08.12.2021 respectively.

2. The petitioner in respect of these three writ petitions obtained FL3 licence from the respondent and the same was renewed from time to time. However, during the year 2017-18, subsequent to the orders passed by the Hon'ble Supreme Court, the bar room attached to the petitioners' hotels / resorts were to be closed and during the respective period as averred in the affidavit filed in support of the writ petitions, there was no business and therefore, the petitioners want to get back the licence fee paid by them. Therefore, the petitioners have submitted a request by way of a representations dated 08.12.2021 to the respondent and since the said representations have not been considered, the petitioners have approached this Court by filing the present writ petitions with the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioners, who submits that, if a direction is given to the respondent to consider their representation dated 08.12.2021 and pass orders thereon on merits and in accordance with law, the petitioners would be satisfied.

4. Heard Mr.S.Ravichandran, learned counsel appearing for the respondents, who, on instructions would submit that, if any representation is submitted to the respondent for getting back the licence fee for the period stated above, the same would be considered and decided on merits and in accordance with law within a time frame that may be stipulated by this Court.

5. Considering the limited scope of the prayer sought for



in these writ petitions, this Court is inclined to dispose of these writ petitions with the following order.

"That there shall be a direction to the respondent to consider the representations dated 08.12.2021 submitted by the petitioner in each of the case and decide the same 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. With the above direction, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

KST

To

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

+3ccs to Mr.T.N.Rajeswaran, Advocate, S.R.Nos.9582, 9583, 9584

+1cc to the Government Pleader, S.R.No.9863

W.P.Nos.2467, 2468
& 2469 of 2022

MT (CO)
SU (03/03/2022)