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W.P.No.14319 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09.02.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.No.14319 of 2021 &  
W.M.P.Nos.15212 & 15214 of 2021**

Happy Valley Recreation Club,  
Represented by its Secretary,  
No.625/1, BSNL Tower land,  
Thamarailkarai Post, Burgur Village,  
Anthiyur Taluk,  
Erode District - 638 501

... Petitioner

vs.

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

2.Assistant Commissioner of Excise,  
Erode I Division,  
Erode I Division No.81,  
Bharathy Nagar, Soolai,  
Veerapan Chatram,  
Erode - 638 004

...Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the records culminating in the order of the first respondent dated 27.04.2021 made in order in



Se.Mu.Aa.No.M(M)Aa2(1)/2090/2021 and the consequential order of the second respondent dated 30.04.2021 made in Na.Ka.No.10716/2021/J2 and quash the same and direct the first respondent to grant the FL2 license to the petitioner for the year 2021-22.

For Petitioner : Ms.G.Thilakavathy, Senior Counsel,  
for Mr.B.Gopinath

For Respondents : Mr.R.Neethi Perumal,  
Government Advocate

### **ORDER**

The petitioner has challenged the order dated 27.04.2021 under which the petitioner's request for renewal of FL2 license for the period 2021-2022 was rejected.

2. Heard Ms.G.Thilakavathy, learned Senior Counsel representing Mr.B.Gopinath, learned counsel for the petitioner and Mr.R.Neethi Perumal, learned Government Advocate appearing for the respondents.

3. Since the period for which the renewal sought for by the petitioner earlier which has been rejected under the impugned order has now come to



an end, learned Senior Counsel appearing for the petitioner would submit that only due to the Covid-19 pandemic lockdown, the petitioner did not submit an application seeking for renewal for the period 2021-22 on time.

Further She would submit that the partners of the petitioner club were also infected with Covid-19 and only due to the said reason, the petitioner did not submit the application seeking for renewal of license for the period 2021-22 on time. Hence, she would submit that the petitioner is entitled for waiver of licence charges for the non-renewal period and is also entitled to seek for renewal of the FL2 licence for the period 2023-24.

4. However, insofar as the request made by the learned Senior Counsel appearing for the petitioner with regard to waiver of license charges, in respect of the previous year namely 2021-22 is concerned, the said request will have to be considered only by the respondents after giving due consideration to the representation of the petitioner that only due to the Covid-19 pandemic lockdown and due to the partners of the petitioner club having got infected with Covid-19, they were unable to renew the licence for the year 2021-22 on time.



5. Admittedly, the impugned order was passed only in respect of renewal for the period 2021-22. The petitioner now seeks renewal for the period 2023-24 for which the petitioner will have to submit a fresh application with the respondents seeking for renewal.

6. No prejudice would be caused to the respondents, if the petitioner is allowed to submit an application seeking for FL2 licence in their club for the period 2023-24 and is also allowed to give a representation seeking for waiver of the licence charges for the non-renewal period namely 2021-22 and the respondents are directed to consider the application as well as the representation on merits and in accordance with law after affording a fair hearing to the petitioner within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court permits the petitioner to submit an application seeking for FL2 bar licence with the first respondent along with a representation seeking for waiver of the licence charges for the non renewal period namely 2021-22 within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall pass final orders on merits and in accordance with law after



affording a fair hearing to the petitioner within a period of four weeks thereafter.

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8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

09.02.2023

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Index: Yes/No  
Speaking order/Non-Speaking Order  
Neutral Citation : Yes/No



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To

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

2.Assistant Commissioner of Excise,  
Erode I Division,  
Erode I Division No.81,  
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**ABDUL QUDDHOSE, J.**  
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