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W.P.No.17042 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.17042 of 2022  
and  
W.M.P.No.16349 of 2022

M/s.The Mount Riviera,  
Rep. by its Proprietor,  
S.M.K.Mogamed Ali Jinnah.

... Petitioner

Vs.

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

2.The Joint Commissioner of Prohibition and Excise,  
Chepauk,  
Chennai - 600 005.

3.The Inspector of Police,  
D4, Zam Bazaar Police Station,  
Chennai.

... Respondents

**PRAYER:** Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the record of the 1st respondent made in R.C.No.P&E2(4)/9211/2018 dated 13.11.2018 and quash the same and consequently take steps for desealing



the bar premises found in basement floor of the petitioner's hotel at 18/6 Vallabha Agraharam Street, Triplicane, Chennai - 600 005 and consequently take necessary action for the purpose of closure of FL-3 license granted by the 1st respondent in R.DIS.No.P&E2(4)/7708/2016 dated 02.01.2018 issued for running bar in the petitioner's premises and as requested in the petitioner's representation dated 04.05.2022.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mr.T.K.Saravanan  
Government Advocate

### **ORDER**

The petitioner has challenged the impugned order dated 13.11.2018 passed by the first respondent under which the Deputy Commissioner (Excise), Chennai was instructed to close the Bar run by the petitioner and freeze the stock available within the licensed premises and handover the same to the DM TASMACH concerned and report the fact to the office of the first respondent and the Managing Director of TASMACH, Chennai was requested to stop the supply of liquor to the Bar run by the petitioner.



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2. Learned counsel for the petitioner would now submit that the petitioner is no longer interested in running the aforementioned Bar in his premises. He would also submit that since the premises is kept under lock and seal, the petitioner is unable to use the same for some other useful purpose. The petitioner is running a Hotel. The petitioner has given a representation on 04.05.2022 to the respondents, requesting them to remove the lock and seal of the subject Bar which was directed to be suspended under the impugned order on the ground that they are no longer interested in running the Bar.

3. Learned counsel for the petitioner would submit on instructions that the petitioner will be satisfied if the aforementioned representation is considered on merits and in accordance with law within a time frame to be fixed by this Court. No prejudice would be caused to the respondents if such a direction is issued by this Court.

4. For the foregoing reasons, this Writ Petition is disposed of by directing the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 04.05.2022,



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seeking for removal of the lock and seal in the petitioner's Bar at Mount Rivera Hotel No.16/2017/18 at Door No.18/6, Vallabha Agraharam Street, Triplicane, Chennai - 5, including refund of the deposits made by the petitioner for grant of FL 3 licence, within a period of eight weeks from the date of receipt of a copy of this order. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

**08.02.2023**

Index : Yes/No  
Speaking Order : Yes / No  
Neutral Citation Case: Yes / No  
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To

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**ABDUL QUDDHOSE. J.,**

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**08.02.2023  
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