



W.P.No.17823 of 2023

WEB COPY

Dated: 16.06.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.17823 of 2023

S.Paramasivam

... Petitioner

Vs

1.The Commissioner of Prohibition and Excise,
Chepauk, Chennai-5.

2.The District Collector
Tiruppur.

3.S.Saminathan @ Kokarakko Saminathan

4.P.Venkatachala Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to consider petitioner's representations dated 13.09.2022 and 07.03.2023 to cancel FL2 license granted to Palladam health & recreation Club, Tiruppur.

For Petitioner : Mr.J.Franklin

For Respondents :Mr.K.V.Sajeev Kumar (for R1 & R2)
Special Government Pleader



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ORDER

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Mr.K.V.Sajeev Kumar, learned Special Government Pleader accepts notice for R1 and R2 and is armed with necessary instructions to enable a final disposal of this Writ Petition, even at the stage of admission. In light of the order that is proposed to be passed, no notice is thought necessary to R3 and R4 at this juncture.

2. The prayer of the petitioner, who claims to be the owner of the property in TSN 902/1, 902/2 in Checkukarar Thottam Block 19, Old Ward 12, New ward No.33, Tiruppur District ad measuring 42 cents ('property'/'property in question'), is for a mandamus directing the first respondent, being Commissioner of Prohibition and Excise to consider his representations dated 13.09.2022 and 07.03.2023 for cancellation of FL2 licence that has been granted by R1 to the Palladam Health and Recreation Club, Tiruppur (in short 'club').

3. R4 appears to have originally obtained licence for running of the bar in the club premises and has subsequently engaged R3, who has also obtained separate FL2 licence for running the bar in the premises of the club. The specific grievance of the petitioner is that while the FL2 licence entitles R3 and R4 to admit only members of



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the club, the services has been extended to members of the general public as well.

4. Be that as it may, a preliminary objection is raised by learned Special Government Pleader to the effect that mandamus of this nature cannot be considered without there being a challenge to FL2 licence itself. One question that would arise in such an event is as to whether the third party, even if he were the property owner, can challenge the licence issued by way of a Writ Petition.

5. Be that as it may, since the status of the parties and other facts germane to a decision on the petitioner's representations would have to be looked into, it would be appropriate for the authorities to do the same rather than this Court sitting in Writ jurisdiction.

6. In light of the acquiescence by the learned Special Government Pleader that the representations are, indeed, pending, there is a direction to R1 to hear the petitioner, as well as R3 and R4 by issuing notice and fixing a date for personal hearing and pass orders on the representations dated 13.09.2022 and 07.03.2023, in accordance with law and all applicable Rules and Regulations. The entirety of the exercise shall be completed, within a period of twelve (12) weeks from date of receipt of a copy of this order.



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Dr.ANITA SUMANTH,J.

7. This Writ Petition stands disposed as above. No costs.

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Index : Yes / No

Speaking/non-speaking Order

Neutral citation: Yes/No

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To

- 1.The Commissioner of Prohibition and Excise,
Chepauk, Chennai-5.
- 2.The District Collector
Tiruppur.

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