



W.P.(MD) No.1863 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.1863 of 2023

and

W.M.P(MD) Nos.1647 and 1648 of 2023

Honey Bee Recreation Club,
Represented by its Secretary,
Mr.P.Muthu Vairavan
S/o.V.Palaniandi,
1/182, Ring Road,
Viraganur,
Madurai District.

... Petitioner

Vs.

1.The Commissioner of Prohibition and Excise,
Chepauk,
Chennai-600005.

2.The District Collector,
Madurai District,
Madurai.

3.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC),
Egmore, Chennai.

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order in Se.Mu.No.Ma(ma) A2(1)/5412/2022 dated 18.01.2022 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.S.Rajasekar
For R1 and R2 : Mr.D.Gandhiraj
Special Government Pleader
For R3 : Mr.H.Arumugam

ORDER

Challenging the impugned order passed by the first respondent in Se.Mu.No.Ma(ma) A2(1)/5412/2022, dated 18.01.2023, the petitioner is before this Court.

2. The application of the petitioner for issuance of FL2 License has been rejected by the first respondent on the grounds that (a) on inspection, it was found that the club had been opened on the Madurai-Thoothukudi Main Road and towards the bus stop, which is



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likelihood of causing hindrance and disturbance to the public; (b) there was no defined car parking for the petitioner's club, which would lead to haphazard parking and an encroachment into the road; and (c) that the petitioner did not have a registered lease deed in respect of the parking area.

3. It is now submitted by the petitioner that the two way road has been permanently closed and the access on the main road has been blocked and the entry is only through the rear and the petitioner has entered into a registered lease agreement with the adjoining land owner for the parking facility and a closed parking facility has been provided, which is evidenced by the photograph produced by the petitioner today in their typed-set of papers, dated 08.03.2023.

4. In the light of the above submissions, this Writ Petition is allowed and the impugned order passed by the first respondent in Se.Mu.No.Ma(ma) A2(1)/5412/2022, dated 18.01.2022, is quashed. The petitioner is directed to make fresh application before the concerned



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authority and the authority shall consider the application and pass appropriate orders within a period of four weeks from the date of receipt of the application. No costs. Consequently, connected miscellaneous petitions are closed.

10.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
cp

To

- 1.The Commissioner of Prohibition and Excise,
Chepauk,
Chennai-600005.
- 2.The District Collector,
Madurai District,
Madurai.



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P.T.ASHA, J.

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