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W.P.No.2312 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.2312 of 2024
and W.M.P.No.2505 of 2024

1.A.Kala @ Cala @ Kalavathy
2.R.B.Rajasekaran

... Petitioner

-vs-

1.Union Territory of Puducherry
rep by the Commissioner (Excise), Government of Puducherry,
Chief Secretariat, Puducherry.

2.The Deputy Commissioner (Excise)- cum- Licensing Authority
Government of Puducherry, Office of the Deputy Commissioner
(Excise), Puducherry. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the 1st respondent to dispose of statutory Appeal dated 01-08- 2023 pending on the file of the Commissioner (Excise), Government of Puducherry preferred by the petitioners under Section 60 (2) of the Puducherry Excise Act, 1970 and r/w Rule 215 of the Puducherry Excise Rules,



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1970 within the Stipulated time frame as this Honble court.

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For Petitioners : Mr.Prakash Adiapadam

For Respondents : Mrs.V.Usha, AGP (Pondicherry)

ORDER

The petitioners seeks a mandamus for the disposal of statutory appeal dated 01.08.2023 within a time limit specified by this Court. By asserting that the petitioners are the legal heirs of the late R.Balasundaram and that the FL-2 licence of M/s.Balaji Wines originally stood in the name of the paternal grandfather of the petitioners herein, the present writ petition is filed.

2. The petitioners assert that the names of four legal heirs were deleted while transferring the FL-2 licence upon the death of the licensee. In those circumstances, it is stated that the petitioners had approached the second respondent seeking inclusion of their names.



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The said request was rejected by order dated 15.05.2023, which is the subject of a statutory appeal filed before the first respondent on 01.08.2023.

3. Learned counsel for the petitioner submits that the petitioners are being put to grave hardship on account of the failure of the first respondent to dispose of the appeal. Therefore, he seeks expeditious disposal thereof.

4. Mrs.V.Usha, learned Additional Government Pleader (Pondicherry), accepts notice on behalf of the respondents. She submits that about three months time would be reasonable for the disposal of the appeal.

5. In view of the above submissions, without expressing any opinion on the merits of the matter, the first respondent is directed to consider and dispose of the statutory appeal filed by the petitioners on 01.08.2023 within *three months* from the date of receipt of a copy



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of this order after providing a reasonable opportunity to the petitioners and any other persons who would be affected by such order.

6. W.P.No.2312 of 2024 is disposed of on the above terms. No costs. Consequently, W.M.P.No.2505 of 2024 is closed.

05.02.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

To

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rep by the Commissioner (Excise), Government of Puducherry,
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SENTHILKUMAR RAMAMOORTHY,J

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