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W.P.No.8855 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8855 of 2024

&

WMP No.9858 of 2024

Lucky Wines
Rep. by its Proprietor,
Residing at "Sreevinayakam",
Chembra, PO Paral,
Mahe, Puducherry.

... Petitioner

VS

1. Union Territory of Pondicherry
Represented by the Chief Secretary
to Government (Excise),
Government of Puducherry,
Secretariat, Beach Road,
Puducherry-605 001.
2. The Commissioner (Excise),
Government of Puducherry,
Officer of the Excise Commissioner,
Excise Department, Saram,
Pondicherry-605 013.



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3. The Deputy Collector (Excise).

Government of Puducherry,
Pondicherry.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 2nd Respondent to extend and grant the Liquor License No.FL-2/37/2023-2024 for year 2023-2024 in favor of the Petitioner to the Shop bearing Door No.507, Palloor Main Road, Paral Mahe as well within a time frame as stipulated by this Court.

For Petitioner : M/s.Krishna Prasad

For Respondents : Mr.A.Tamil Vanan
Addl. Government Pleader (Pondy)

ORDER

The petitioner seeks a direction to the second respondent to grant a liquor licence for the year 2023-24 to the petitioner in relation to the Shop bearing Door No.507, Palloor Main Road, Paral Mahe.

2. The petitioner states that he was running a wine shop under



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the name and style of "Lucky Wines' in Door Nos.506, 506A, 507 and 508 of Palloor Main Road, Paral Mahe. By pointing out that the FL-2 licence was issued in respect of all the four Door Numbers mentioned above for the financial years 2021-2022 and 2022-2023, whereas it was restricted to Door Nos.506, 506A and 508 for the financial year 2023-2024, the present writ petition was filed.

3. Learned counsel for the petitioner invited my attention to the licences issued in respect of each of the above mentioned financial years. He also pointed out that an interim injunction was issued by the District Munif-cum-Judicial Magistrate, Mahe, restraining the present owner of shop No.507 from evicting the petitioner except in accordance with due process of law. In these circumstances, he contends that the petitioner is entitled to an FL-2 licence in respect of Door No.507 also.

4. Mr.A.Tamilvanan, learned Additional Government Pleader



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(Puducherry), accepts notice for the respondents. He points out that the owner of Door No.507 sold the shop to the defendants in O.S.No.48 of 2021 and that those defendants are running a shop under the name and style of 'Kwality Wines'. He also points out that these facts are set out in paragraph 4 of the affidavit. Therefore, he contends that the respondents were fully justified in granting the licence for 2023-24 only for shop Nos.506, 506A and 508.

5. The petitioner has prayed for a mandamus for the issuance of a licence. The issuance of licence is governed by the Puducherry Excise Rules. Learned Additional Government Pleader has pointed out that such Rules require a 'No Objection Certificate' from the owner of the relevant property. The petitioner has been unable to obtain such 'No Objection Certificate'. The fact that the petitioner has obtained an interim injunction to restrain eviction from the relevant property does not lead to the conclusion that the petitioner is entitled to a liquor licence in respect of the premises. In fact, learned



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Additional Government Pleader submits that the suit filed by the petitioner was subsequently dismissed for default on 06.06.2023. In any event, for reasons set out above, the petitioner is not entitled to the relief claimed in these proceedings.

6. Therefore, W.P.No.8855 of 2024 is dismissed without any order as to costs. Consequently, connected miscellaneous petition is also closed.

02.04.2024

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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