



W.P.No.8835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8835 of 2024

Hotel Radha Private Ltd.,
Represented by its
Director AR Ravichandran
Five Rathas Road,
Mahabalipuram,
Chengalpattu District - 603 104.

... Petitioner

-VS-

The State represented by its:-

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai 600 009.

2.The Commissioner of Prohibition and Excise,
Government of Tamil Nadu,
Ezhilagam, Kamarajar Salai,
Chepauk, Chennai 600 005.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondents to adjust or refund the paid payment of Rs.16,65,000/- as the privilege fees paid in respect of Bar Licence No.F.L.3 No.42/2007-08 corresponding to the period of lockdown for the dormant years 2020-2021 and 2021-2022, when no business operation was permitted, in accordance with Rule 24A of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981.

For Petitioner : Ms.S.G.Vedha Priyadharshini

For Respondents : Mr.P.Balathandayuthan, Spl. GP

ORDER

By this writ petition, the petitioner seeks a direction to the respondents to adjust or refund the sum of Rs.16,65,000/-, which was paid as privilege fees in respect of F.L.3 bar licence No.42/2007-08 in



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respect of the periods of lockdown. The petitioner asserts that a sum of Rs.16,65,000/-, in the aggregate, was paid towards F.L.3 Licence No.42/2007-08. By relying on Rule 24A of the Tamil Nadu Liquor (Licence and Permit) Rules, 1981 and the earlier judgment in W.P.No.9177 of 2021 batch, the present writ petition was filed.

2. Learned counsel for the petitioner refers to the order in W.P.No.9177 of 2021 batch and submits that a similar order may be issued in this case.

3. Mr.P.Balathandayutham, learned Special Government Pleader, accepts notice on behalf of the respondents. He submits that the petitioner's representation dated 05.02.2024 seeking refund or adjustment would be disposed of.

4. In view of the above submissions, W.P.No.8835 of 2024 is disposed of by directing the second respondent to consider and



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dispose of the representation dated 05.02.2024 by taking note of the observations in common order dated 25.07.2023 in W.P.No.9177 of 2021 batch. The representation shall be disposed of after providing a reasonable opportunity to the petitioner within a maximum period of *two months* from the date of receipt of a copy of this order. No costs.

03.04.2024

rna

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

To

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai 600 009.

2.The Commissioner of Prohibition and Excise,
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Ezhilagam, Kamarajar Salai,
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