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W.P.Nos.19912, 17263 and 17265 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP.Nos.19912, 17263 and 17265 of 2022

and

WMP.Nos.19213, 16587 and 16588 of 2022

1.T.Chandran ... Petitioner in W.P.No.19912 of 2022

2.M/s.Cuddalore & Villupuram District,
Recreation Club,
Rep.by its President, Mr.M.Ravichandran,
Old.No.23/A, 23/B, New No.328,
Cuddalore Main Road, Vriddhachalam,
Cuddalore District – 606 001. ... Petitioner in W.P.No.17263 of 2022

3.M.Ravichandran ... Petitioner in W.P.No.17265 of 2022

Vs.

1.The Commissioner of Prohibition & Excise,
Office of the Commissioner of Prohibition & Excise,
Government of Tamil Nadu,
Chepauk, Chennai – 600 005.

2.The District Collector,
Cuddalore District,
Cuddalore.

3.The Assistant Commissioner (Excise),
Office of the Assistant Commissioner (Excise),
Cuddalore District, Cuddalore – 607 001. ... Respondents in all WPs.



W.P.Nos.19912, 17263 and 17265 of 2022

Prayer in W.P.No.19912 of 2022: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records of the order passed by the 1st respondent in Proc.No.P&E 2(4)/3165/2019, dated 18.04.2022 and quash the same and consequently direct the respondents to forthwith refund the Privilege Fee and licence Fee of Rs.1,32,493/- for the non-transactional period 01.04.2017 to 03.09.2017 of the petitioner's Hotel under Licence F.L.3 No.14/2002-2003.

Prayer in W.P.No.17263 of 2022: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records of the order passed by the 1st respondent in Proc.No.P&E2(4)/3165/2019, dated 10.06.2022 and quash the same and consequently direct the respondents to forthwith refund the Privilege Fee and licence Fee of Rs.6,10,000/- for the period of 2017-18, Rs.6,10,000/- for the period of 2018-19, Rs.8,25,000/- for the period of 2019-2020 and Rs.8,25,000/- for the period of 2020-2021 totally sum of Rs.28,70,000/- for non-transactional period of the petitioner's club under Licence F.L.2 No.5/2010-2011.

Prayer in WP.No.17265 of 2022: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the order passed by the 1st respondent in Proc.No.P&E2(4)/3165/2019, dated 18.04.2022 and quash the same and consequently direct the respondents to forthwith refund the Privilege Fee and licence Fee of Rs.1,32,493/- for the non-transactional period 01.04.2017 to 04.09.2017 of the petitioner's Hotel under Licence F.L.3 No.21/2008-2009.



W.P.Nos.19912, 17263 and 17265 of 2022

In all WPs

For Petitioners : Mr.L.Palanimuthu
and Mr.AR.Karthik Lakshmanan
For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Mr.S.Ravichandran
Additional Government Pleader

ORDER

Heard Mr.L.Palanimuthu and Mr.AR.Karthik Lakshmanan, learned counsels for the Petitioners and Mr.P.Kumaresan, learned Additional Advocate General for the Respondents.

2. By this common order, all the three writ petitions are being disposed of.

3. In these writ petitions, the petitioners are challenging the respective impugned orders dated 10.06.2022 and 18.04.2022, rejecting the refund of the Privilege Fee and Licence Fee during non-transactional period.

4. It is noticed that this Court has already passed a speaking orders both dated 25.07.2023 in WP.Nos.10355 of 2021 etc. batch in ***Mr.N.Devendra***



W.P.Nos.19912, 17263 and 17265 of 2022

Gupta Vs. The State of Tamil Nadu and in W.P.Nos.9177 of 2021 etc. batch in

Hotel Manhattan Vs. The State of Tamil Nadu.

5. Learned Sr. Counsel would submit that similar orders were passed earlier on 29.09.2021 by the Madurai Bench of this Court in WA(Md).No.1701 of 2021 has been appealed before the Division Bench and has been stayed and therefore, the writ petition be kept in abeyance.

6. Having considered the submissions advanced by the learned counsel for the petitioners and learned counsel for the respondents and having considered the decision of this Court dated 25.07.2023, in the above two mentioned batch of writ petitions, this Court is inclined to allow this writ petition along with consequential relief to the respective petitioners in terms of the orders dated 25.07.2023. No costs. Connected Miscellaneous Petitions are closed.

24.10.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case: Yes/No
nst



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C.SARAVANAN, J.

nst

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