



W.P.(MD) No.2446 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2446 of 2024

and

W.M.P.(MD)No.2461 of 2024

Satheesh Kumar

... Petitioner

-Vs-

- 1.The Commissioner,
Prohibition and Excise Department,
Office of the Prohibition and Excise Department,
Chepauk, Chennai-600 005.
- 2.The District Collector,
Office of the District Collector,
Nagercoil,
Kanyakumari District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 4.The Sub Collector,
The Sub Collector Office,
Thakkalai,
Kanyakumari District.



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5.The Assistant Commissioner,
Prohibition and Excise Department,
Nagercoil, Kanyakumari District.

6.The Tahsildar,
Office of the Tahsildar,
Vilavancode Taluk Office,
Kanyakumari District.

7.Uma ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to grant any licence or permission for opening an FL-2 Recreation Club in the property comprised in S.No.181/10, situate at Kovil Vilai, Arunmanai Town Panchayat, Vilavancode Taluk, Kanyakumari District in favour of the seventh respondent by considering the petitioner representation dated 16.01.2024.

For Petitioner	: Mr.M.Jerin Mathew
For RR1, 2 & 4-6	: Mr.P.Thilakkumar Government Pleader
For R7	: Mr.M.P.Senthil
For R3	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This writ petition was filed to direct the respondents 1 to 6 to grant any licence or permission for opening an FL-2 Recreation Club in the property comprised in S.No.181/10 at Kovil Vilai, Arunmanai Town Panchayat,



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Vilavancode Taluk, Kanyakumari District in favour of the seventh respondent by considering the petitioner's representation dated 16.01.2024.

2.Mr.P.Thilakkumar, learned Government Pleader takes notice for the respondents 1, 2 and 4 to 6, Mr.M.P.Senthil, learned counsel for the seventh respondent takes notice for the fifth respondent, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor takes notice for the third respondent. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3.The petitioner is the Ward councillor of Ward No.15, Arumanai Town Panchayat, Vilavancode Taluk, Nagercoil. The seventh respondent is having land in survey No.181/10 at Arumanai Town Panchayat, which is situated near the residential area, school and temple and she is taking steps to locate FL-2 Recreation Club in the said land. She had also obtained NOC from the respondents 3 to 6. Hence, the petitioner made a representation before the authorities concerned not to give licence to the seventh respondent to locate FL-2 Recreation Club. Since the same was not considered, the petitioner has filed the present writ petition.



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4.The learned Government Pleader appearing for the official respondents submits that the application of the seventh respondent seeking licence for FL-2 Recreation Club is pending consideration and without awaiting for the outcome of the same, the petitioner has filed the present writ petition.

5.Admittedly, no final orders have been passed on the application of the seventh respondent for grant of licence for locating FL-2 Recreation Club. The petitioner mere on an apprehension that final orders would passed without considering the objections raised by him, has filed this writ petition.

6.It is also brought to the notice of this Court that an another resident of the petitioner's village, namely Satheesh Kumar had filed a writ petition in W.P.(MD)No.709 of 2024 and the same was disposed of on 11.01.2024 directing the first respondent therein to consider the objection made by the said Satheesh Kumar. The petitioner has also filed the present writ petition seeking the very same prayer sought for by the petitioner in that writ petition.



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7. For the reasons stated above, we are not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. However, the authorities concerned shall take note of the objections made by the petitioner while considering the application of the seventh respondent. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
07.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Commissioner,
Prohibition and Excise Department,
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Chepauk, Chennai-600 005.
2. The District Collector,
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3. The Superintendent of Police,
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- 4.The Sub Collector,
The Sub Collector Office,
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- 5.The Assistant Commissioner,
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