



W.P(MD)No.4339 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4339 of 2024 and
WMP(MD) No.4166 of 2024

Kudaloor Star Recreation Club,
Represented by its Secretary,
5/48H, Kazhunettan Vilai,
Pudukadai Post,
Kanyakumari District.

... Petitioner

Vs

- 1.The Commissioner of Prohibition and Excise,
Chepak,
Chennai-600 005.
- 2.The Assistant Commissioner of Prohibition and Excise,
Nagercoil,
Kanyakumari.
- 3.The Managing Director,
Tamilnadu State Marketing Corporation Limited,
CMDA Office Complex,
4th Floor, Tower-2,
Gandhi Irwin Bridge Road,
Egmore, Chennai-600009.



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4.The District Manager,
TASMAC, Kanyakumari District,
at Konam,
Nagercoil-629 004,
Kanyakumari District.

5.The Superintendent of Police,
Kanyakumari District.

...Respondents

(R5 is *suo motu* impleaded by this Court vide order dated 04.03.2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent Commissioner of Prohibition and Excise to consider the petitioner's Application dated 17.10.2023 and pass orders for change of premises of the petitioners club under FL2 License No.13/2009-2010 from the present premises at Door No. 18/276/7, Villarivilai, Keezhkulam Post, Kanyakumari District to the proposed new premises at Door No.7/243D, E in New Survey No. 209/4, E.Keelavannan Vilai, Kottar Post, Vadiveesvaram Village, Kanyakumari District - 629 002.

For Petitioner	: Mr.Isaac Mohanlal, Senior Counsel for M/s. Isaac Chambers
For R1 & R2	: Mrs.D.Farjana Ghoushia Special Government Pleader
For R3 & R4	: Mr.S.Sivanesan Standing Counsel
For R5	: Mr.Vaikkam Karunanidhi Government Advocate



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ORDER

The petitioner is the Secretary of Kudaloor Star Recreation Club located in 5/48H, Kazhunettan Vilai, Pudukadai Post, Kanyakumari District. The petitioner club is having FL2 licence for the supply of liquor and now they are intending to shift their club to Door No.7/243D,E in New Survey No.209/4, E.Keelavannan Vilai, Kottar Post, Vadiveesvaram Village, Kanyakumari District - 629 002, for which, an application for transfer of FL2 licence has been submitted and the same has not been considered by the authorities so far. Therefore, the petitioner has filed this writ petition for a mandamus to consider his application, dated 17.10.2023.

2.The learned Special Government Pleader appearing for the respondents 1 & 2 submits that on the request of this petitioner for transfer of FL 2 Licence, a report has been called for from the Superintendent of Police, Kanyakumari and based on the report of



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the Superintendent of Police, further course of action would be taken.

3.Since it is reported that based on the report of the Superintendent of Police, Kanyakumari District, the application of the petitioner would be processed, this Court *suo motu* impleads the Superintendent of Police, Kanyakumari District as a party to this writ petition and the learned Government Advocate is directed to take notice for the newly impleaded respondent.

4.The petitioner has approached this Court that his application, dated 17.10.2023 for transfer of his Club to an another place has not been considered by the authorities. On the side of the respondents, it is submitted that based on the report of the Superintendent of Police, the petitioner's application would be processed. In view of the above, this writ petition is disposed of with a direction to the Superintendent of Police, Kanyakumari/the newly impleaded respondent to file the report on the petitioner's application



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to the Commissioner within a period of three weeks from the date of receipt of a copy of this order. Thereafter, the Commissioner of Prohibition & Excise, Chennai/ the first respondent shall take a decision on the application of this petitioner, dated 17.10.2023, within a period of eight weeks from thereon. No costs. Consequently, connected Miscellaneous petition is closed.

04.03.2024

NCC: Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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