



W.A.(MD)No.752 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD)No.752 of 2020

V.Santhoshkumar

... Appellant/Petitioner

Vs

**1.The District Collector,
Kanyakumari District,
Nagercoil.**

**2.The Commissioner of Prohibition and Excise (ic),
Chepauk, Chennai-600 005.**

**3.T.Thulasidas,
Proprietor,
TVL.Thabasiya Resort,
Pazhavar, Pushpavilai,
Vilavancode Village,
Vilavancode,
Kanyakumari District.**

...Respondents/Respondents

Prayer:

This Writ Appeal is filed under Clause XV of Letters Patent, to set aside the order passed in W.P.(MD)No.8882 of 2017, dated 10.05.2017 on the file of this Court.



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For Appellant : Mr.S.Ramakrishnan

For Respondents : Mr.G.Suriyananth

Additional Government Pleader for R1 & R2

Mr.B.Rajesh Saravanan for R3

JUDGMENT

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

The unsuccessful petitioner is the appellant herein. He filed the above writ petition seeking that the proceedings of the second respondent dated 07.04.2017 in R.Dis.No.P&E2(1)/6771/2016, in and by which, a licence was granted in favour of the third respondent, the proprietor of the resort in the said area, for running a bar inside the resort. When the matter came up for final disposal, the learned Single Judge passed the following order:

“This Court is unable to find any justification or merits whatsoever to entertain this petition for the simple reason that the third respondent is running a Resort in S.No.624/3 along with a restaurant and Swimming Pool and in addition to that, after obtaining necessary permission from the authority concerned, he has been serving liquor inside the Resort with proper licence, which cannot be questioned or objected to by the petitioner, as the third respondent has a right to do so in the Resort and the same cannot be deprived of. Therefore, this Court does not find any reasons to



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interfere with the impugned proceedings and the writ petition is liable to be dismissed.”

Hence, the writ appeal.

2.The learned counsel for the appellant/petitioner would contend that the villagers have an objection to opening the bar.

3.It is seen that a similar objection has been raised before the learned Single Judge. The learned Single Judge has rightly come to the conclusion that already the third respondent is running a resort with necessary permission and thereafter, he has obtained a licence to run the bar inside the resort. Hence, we do not find any reason to interfere with the order passed by the learned Single Judge.

4.In view of the above, this Writ Appeal is dismissed. No costs.

[T.K.R., J.] [N.S., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Commissioner of Prohibition and Excise (ic),
Chepauk, Chennai-600 005.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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and
N.SENTHILKUMAR, J.

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