



W.P.No.4514 of 2025
and W.M.P.No.5028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 14.02.2025

CORAM

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.4514 of 2025
and W.M.P.No.5028 of 2025

1.A.Kala @ Cala @ Kalavathy,
W/o.Anbuselvan,
No.5, Second Class,
Aravindar Nagar, Azees Nagar Extension,
Reddiyarpalayam,
Puducherry – 605 010.

2.R.B.Rajasekaran
S/o.late R.Balasundaram,
No.03, Mariamman Koil Street,
1st Cross, Navarkulam,
Lawspet Post, Puducherry.

.. Petitioner

Vs.

1.Union Territory of Puducherry,
Represented by Administrator cum Appellate Authority,
Governor Building,
Government of Puducherry.

2.Union Territory of Puducherry,
Represented by the Commissioner (Excise),
Government of Puducherry,
Chief Secretariat, Puducherry.



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3. The Deputy Commissioner (Excise)-cum-
Licensing Authority,
Government of Puducherry,
Office of the Deputy Commissioner (Excise),
Puducherry.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Mandamus, directing the 1st respondent to dispose of the Statutory Appeal dated 29.07.2024 pending on the file of the 1st respondent preferred by the petitioners under Section 2(14) & 60(3) of the Puducherry Excise Act, 1970 and r/w Rule 215 & 216 of the Puducherry Excise Rules, 1970.

For Petitioner : Mr.J.Sivadasan
For Respondents : Dr.B.Ramaswamy
Senior Standing Counsel

ORDER

This writ petition has been filed by the petitioner seeking to direct the 1st respondent to dispose of the Statutory Appeal dated 29.07.2024 pending on the file of the 1st respondent preferred by the petitioners under Section 2(14) & 60(3) of the Puducherry Excise Act, 1970 and r/w Rule 215 & 216 of the Puducherry Excise Rules, 1970.



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2.Learned counsel for the petitioner would submit that originally the FL-2 licence of M/s.Balaji Wines stood in the name of petitioner's grandparents. After their demise, the license was transferred in the names of six legal heirs of the petitioner's grandparents viz.,i)Balasundaram, ii)Covindane, iii)Karunamoorthi, iv)Rajendiran, v)Krishnaraj and vi)Rajeswari. The petitioners are the legal heirs of Balasundaram. While so, the petitioner came to know that at present the FL-2 licence stands in the name of Mrs.Geetha, who is the one of the legal heirs of Covindan. Therefore, the petitioners submitted a representation before the 3rd respondent to include their names in the licence. The 3rd respondent conducted a personal enquiry and came to the conclusion that Civil Court has already passed status quo regarding this issue and hence, rejected the application of the petitioner vide order dated 15.05.2023. Against which, the petitioners preferred an appeal before the 2nd respondent. On 15.05.2024, the 2nd respondent upheld the order of the 3rd respondent. Against which, the petitioners have filed statutory appeal before the 1st respondent on 29.07.2024. However, till date no final order has been passed. Hence, the present writ petition has been filed.



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3.Mr.John Zachariah, learned counsel appeared and submitted that Mrs.Geetha, W/o.J.Pouvaragavan is the 3rd respondent in the appeal but she is not a party in the present writ petition. Therefore, this Court may direct the respondents herein to provide an opportunity to Mrs.Geetha, W/o.J.Pouvaragavan /3rd respondent therein before passing any orders.

4.Dr.B.Ramaswamy, learned Senior Standing Counsel appearing for the respondents 1 to 3 would submit that they requires atleast six months time to dispose of the appeal filed before the 1st respondent.

5.Heard the learned counsel for the petitioner as well as the learned Senior Standing Counsel appearing for the respondents and perused the materials available on records.

6.Considering the submissions made by either parties, the 1st respondent is directed to dispose of the statutory appeal in accordance with law within a period of seven months from the date of receipt of a copy of this order, without influencing any of the observations made by this Court.



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It is made clear that Mrs.Geetha, W/o.J.Pouvaragavan / 3rd respondent in the appeal shall also be provided an opportunity to putforth her case before passing final order.

7.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2025

rst

Index : Yes/No

Neutral Citation: Yes/No

To:

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- 2.Union Territory of Puducherry,
Represented by the Commissioner (Excise),
Government of Puducherry, Chief Secretariat, Puducherry.
- 3.The Deputy Commissioner (Excise)-cum-
Licensing Authority,
Government of Puducherry,
Office of the Deputy Commissioner (Excise),
Puducherry.

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KRISHNAN RAMASAMY, J.

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