



W.P.(MD) No.19833 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.19833 of 2024

and

W.M.P.(MD)Nos.16806 of 2024 & 2973 of 2025

Muthamil Makkal Nalasangam,
Rep. by its President,
P.Lakshmanan

... Petitioner

-Vs-

- 1.The Commissioner of Prohibition and
Excise Department,
Headed by Commissioner of Prohibition and
Excise Department,
Government of Tamil Nadu,
Chepauk, Chennai-600 005.
- 2.The District Collector,
Office of the District Collector,
Pudukkottai District-622 001.
- 3.The Assistant Commissioner,
Prohibition and Excise Department,
District Collectorate Office,
Pudukkottai District.



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4.The Tahsildar,
Taluk Office,
Pudukkottai Town Taluk,
Pudukkottai District.

5.Aruvi Recreation Club,
Rep. by its Secretary,
Shop No.151/3B, Alangudi Road,
Ponnagar, Ashok Nagar,
Pudukkottai-622001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to forbear the 5th respondent from opening the Aruvi Recreation Club in Shop No.151/3B situated at Kallarai Medu, Alangudi Road, Ponnagar-Ashok Nagar, Pudukkottai Town & District.

For Petitioner : M/s.A.Arul Jenifer,
for M/s.KBS Law Office
For R1 to R4 : Mr.P.Thilak Kumar,
Government Pleader
For R5 : Mrs.N.Krishna Veni,
Senior Counsel,
for Mr.P.Thiyagarajan

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

This Writ Petition has been filed, seeking for a direction to the respondents 1 to 3 to forbear the 5th respondent from opening Aruvi Recreation



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Club in Shop No.151/3B situated at Kallarai Medu, Alangudi Road, Ponnagar-Ashok Nagar, Pudukkottai Town & District.

2.It is the case of the petitioner that the 5th respondent is already running a recreation club at Machuvadi, Pudukkottai Town and District, for which, he has obtained FL-II license. Now, he has obtained shifting permission to shift the said shop to Ponnagar bearing Shop No.151/3B. Within 10 meters from the proposed place, there is a bus stop, school and worshipping place. Therefore, if the 5th respondent is permitted to shift the recreation club to the proposed place, there would be a risk of accident and untoward incident to the general public. Narrating the same, the petitioner sent a representation to the respondents 1 to 3 on 15.07.2024. However, the same is pending till date without any progress. Therefore, he has filed this Writ Petition with the aforesaid prayer.

3.The learned Government Pleader appearing for the respondents 1 to 4 would submit that this Court, vide order dated 23.09.2024, directed the 2nd respondent to inspect the building in question and file a report on the type of construction in the disputed area. Pursuant to the same, the 2nd respondent, after inspecting the building in question, filed a report before this Court on 05.10.2024.



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4.He would further submit that the application seeking FL-II license submitted by the 5th respondent is only at consideration stage.

5.In view of the said submission, this Writ Petition is disposed of with a direction to the 1st respondent to pass appropriate orders in the application submitted by the 5th respondent, after considering the report filed by the 2nd respondent as well as the objections raised by the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
24.02.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1.The Commissioner of Prohibition and
Excise Department,
Headed by Commissioner of Prohibition and
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Government of Tamil Nadu,
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2.The District Collector,
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