

(2002) 07 MAD CK 0183

In the Madras High Court

Case No : Writ Petition No. 30854 of 2002 and W.P.M.P. No's. 45101 and 45102 of 2002

M. Pandiyan

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

Date of Decision : 26-07-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 07 MAD CK 0183

Hon'ble Judges : B. Subhashan Reddy, C.J.;D. Murugesan, J

Bench : Division Bench

Advocate : R. Thamaraiselvan, for the Appellant; N.R. Chandran, General, R. Muthukumaraswamy, A.A.G., Assisted by, K. Mahendran, Special Government Pleader, for the Respondent

Judgement

B. Subhashan Reddy, C.J.—This writ petition has been filed questioning G.O. Ms. Nos.128, 129 and 130 Prohibition and Excise (VI) Department, dated 8.7.2002.

2. In a batch of cases in THE SECRETARY TO GOVERNMENT OF TAMIL NADU, PROHIBITION AND EXCISE DEPARTMENT AND ANOTHER v. K. VINAYAGAMOORTHY (Writ Appeal No.2209 of 2002 and W.P. No.25181 to 25185 of 2002 and batch) arising out of the same G.Os., this Court by judgment dated 24.7.2002, has already issued certain directions. Following the same, this writ petition is disposed of as indicated infra.

(i) The Government is at liberty to go ahead with the grant of privilege of retail vending of Indian Made Foreign Liquor to the extent of 7,000 shops as decided.

(ii) But the Government shall adhere to the places of retail vending which have been licenced for the excise year 2001 - 2002 and held by the petitioner, and renew the licence of the petitioner for the excise year 2002 - 2003 on the petitioner's remittance of the privilege amount on the basis of the amount fixed in G.O. Ms.No.129, dated 8.7.2002 and also taking into account the re-

categorisation of the shops for the purpose of levy of the privilege amount.

(iii) The above facility of renewal to the petitioner shall be made available if the petitioner remits the requisite amounts on or before 31st of July, 2002.

(iv) For any reason, if there is a delay in grant of renewal, the petitioner shall be entitled to vend the Indian Made Foreign Liquor in retail on payment of the proportionate privilege amount till the grant of licence.

(v) The Government, the Commissioner and all the District Collectors shall be entitled to re-locate the shops out of 7,000, at the places they feel expedient, but only after safeguarding the shops run by the petitioner.

3. Consequently, the connected W.P.M.P.Nos.45101 and 45102 are closed.