

(2012) 09 KAR CK 0246

In the Karnataka High Court

Case No : Writ Petition No. 34299 of 2012 (Excise)

Sri. P.N. Rajmohan

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 07-09-2012

Acts Referred:

Karnataka Excise Act, 1965 — Section 32 (1), 34, 36

Citation : (2013) 2 KarLJ 185

Hon'ble Judges : Ajit J. Gunjal, J

Bench : Single Bench

Advocate : S.V. Angadi, for the Appellant; Anjana Murthy, for the Respondent

Judgement

Ajit J. Gunjal

1. The petitioner was the original licensee of CL-9 and was running a Bar and Restaurant under the name and style of Asha Bar & Restaurant. Suffice to say that due to certain incident, which occurred in and around the premises a case was registered as against the petitioner for the offences punishable under Sections 32(1), 34 and 36 of the Karnataka Excise Act, 1965. The entire material was seized from the premises.

2. Mr. S.V. Angadi, Learned Counsel appearing for the petitioner submits that the case has ended in an acquittal and the said order has attained finality.

3. Indeed, during this interregnum, CL-9 licence was suspended and ultimately it has been revoked. The said revocation was the subject matter of an appeal before the Karnataka Appellate Tribunal. The Karnataka Appellate Tribunal has allowed the appeal of the petitioner and remitted the matter to respondent No. 3 for fresh consideration.

4. The grievance of the petitioner is that the said order of remand is of the year 2009 and even as on today the said dispute is not taken up for consideration.

5. Mr. S.V. Angadi, Learned Counsel submits that during this interregnum several

representations are given to respondent No. 3 for renewal of CL-9 licence to permit him to run the Bar and Restaurant. The grievance is that the said representations are not considered. The petitioner is seeking a direction from this Court to respondents 1 to 4 to renew the CL-9 licence, which was granted in favour of the petitioner. Apparently, the said request cannot be granted. More so, having regard to the fact that it is within the domain of the Competent Authority for issue of the licence. Indeed, the petitioners are at the doors of the respondents for renewal of the licence and that having not considered, I am of the view that if a suitable direction is given to the Competent Authority to consider the request of the petitioner and also to dispose of the matter before respondent No. 3 that would meet the ends of justice. Hence, the following order is passed:

- (i) The respondent No. 3 shall conclude the proceedings itself within a period of two months from the date of production of this order.
- (ii) The respondent No. 3 shall also consider the request of the petitioner for renewal of licence.
- (iii) The respondent No. 3 shall take note of the criminal proceedings while deciding the controversy.
- (iv) Petition stands disposed of accordingly.

Mr. Anjana Murthy, learned High Court Government Pleader appearing for respondents is permitted to file memo of appearance within four weeks.