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W.P.(MD) No.17659 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.17659 of 2023
and
W.M.P.(MD) Nos.14753 & 14754 of 2023**

S.Siva

... Petitioner

-VS-

1.The State of Tamil Nadu
rep.by its Secretary to the Government
Home, Prohibition and Excise Department
Fort St.George, Secretariat, Chennai

2.The Managing Director
Tamil Nadu State Marketing
Corporation Limited
Gandhi Irvin Road
Egmore, Chennai

3.The District Collector
Thanjavur District, Thanjavur

4.The District Manager
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Thanjavur District, Thanjavur

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the fourth respondent made in Na.Ka.No. 8030/2023/A6, dated 10.05.2023 and quash the same as illegal and consequently restraining the fourth respondent from setting up a Wine Shop in land in Survey Nos.178/2B & 1787/2D located in Kavalipatti Village, Orathanadu Taluk, Thanjavur District.

For Petitioner : Mr.N.Kamesh

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 & R3
Mr.H.Arumugam
Standing Counsel for R2 & R4

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

The petitioner has filed this writ petition for issuance of a writ of certiorarified mandamus to quash the impugned order dated 10.05.2023, passed by the District Manager of TASMACH / fourth respondent herein, relocating the existing TASMACH Shop bearing No.8030.



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2. The petitioner has raised several objections even earlier before the District Collector / third respondent regarding relocation of the existing TASMAL Shop. The representation of the petitioner and the members of public is produced before this Court. There appears to be some agitations also, in this regard.

3. This Court finds that the petitioner has an effective alternative appeal remedy of approaching the District Collector, under Rule 9A of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003.

4. Hence, this Court is inclined to pass the following orders:

- (i) The petitioner is directed to file an appeal before the District Collector, Thanjavur District / third respondent, within a period of two weeks from the date of receipt of a copy of this order.
- (ii) When an appeal is filed by the petitioner, the District Collector, Thanjavur District, is directed to consider the same and dispose of the same, on merits and in



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accordance with law, after affording due opportunity of hearing to the petitioner, within a reasonable time.

- (iii) The petitioner is also permitted to seek interim order before the District Collector regarding relocation of the existing shop.
- (iv) When such a request is made by the petitioner, the District Collector shall also consider the same.

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

[S.S.S.R., J.]

[D.B.C., J.]

21.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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Chennai.
- 2.The District Collector,
Thanjavur District,
Thanjavur.



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