



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2023**

CORAM:

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

W.P(MD)NO.17949 OF 2023

S.Rajendran
Sonof Swaminathan,
The President of Radhapuram Taluk
Farmers' Welfare Association,
31-B, North Car Street,,
Panagudi Town Panchayat,
Tirunelveli District.

:Petitioner

.VS.

- 1.The Commissioner,
Prohibition and Excise Department,
Chepauk,
Chennai-5.
- 2.The District Collector,
Tirunelveli District.
- 3.The Assistant Commissioner,
Prohibition and Excise Department,
Tirunelveli District.
- 4.The Manager,
TASMAC, Munneerpallam,
Palayamkottai Taluk,
Tirunelveli District.
- 5.The Deputy Superintendent of Police,
Prohibition and Excise Department,
Tirunelveli District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the respondents 3 to 4 and quash the impugned order, dated 31.3.2023 passed in Na.Ka.No.X4/6875/2023 and to quash the same and to direct the respondents more particularly, the fourth respondent to remove the TASMAL liquor shop No.10845, located at Panagudi to Nagercoil State Highways Road at Panagudi as the location of the said liquor shop is violative of the direction given by the Honourable Supreme Court of India and various proceedings of the first respondent within the time stipulated by this Court.

For Petitioner :Mr.V.R.Venkatesan

For Respondents :Mr.J.Ashok
1 to 3 Addl.Govt.Pleader

For Respondent-4 :Mr.S.Sivanesan
Standing Counsel.

O R D E R

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned order, dated 31.03.2023 and to direct the fourth respondent to remove the TASMAL Shop No.10845 located at Panagudi to Nagercoil State Highways Road at Panagudi, as the location of the said liquor shop is violative of the direction given by the Honourable Supreme Court



of India and various proceedings of the first respondent.

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2.Mr.J.Ashok, learned Additional Government Pleader takes notice for the respondents 1 to 3 and Mr.S.Sivanesan, learned Standing Counsel, takes notice for the fourth respondent.By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the TASMACH Shop bearing No.10845 is located within 10 feet from Panagudi to Nagercoil State Highways road and the same should be relocated to some other place where the establishment of TASMACH shop is permitted as per the provisions of the Tamil Nadu Liquor Retail Vending Rules, 2003. The Petitioner has challenged only the information furnished to the Petitioner by the Public Information Officer in response to an application filed by the Petitioner under Right to Information Act. However, Rule 9 of the Tamil Nadu Liquor Retail Vending Rules, 2003 prescribes power of the District Collector to change the location of TASMACH shops. Similarly, there is an appeal provision under Section 9-A of the above rules, as against the order passed by the District Collector.



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4. Therefore, giving liberty to the petitioner to approach the District Collector, Tirunelveli, this Writ Petition is dismissed. No costs. However, the Petitioner is directed to submit a representation before the District Collector and on receipt of such representation, the District Collector taking into account the local inspection made by the revenue officials for relocation of the TASMAL shop in question and the genuineness of the grievance expressed by the Petitioner, is directed to pass appropriate orders on merits and in accordance with law, after giving an opportunity of being heard to the Petitioner and others concerned, if any, within a period of six weeks from the date of receipt of such representation. No costs.

[S.S.S.R.,J.] [D.B.C,J.]
26.07.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No

vsn

To

1. The Commissioner,
Prohibition and Excise Department,
Chepauk,
Chennai-5.

2. The District Collector,



Tirunelveli District.

3. The Assistant Commissioner,
Prohibition and Excise Department,
Tirunelveli District.
4. The Manager,
TASMAC, Munneerpallam,
Palayamkottai Taluk,
Tirunelveli District.
5. The Deputy Superintendent of Police,
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Tirunelveli District.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)No.17949 of 2023

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