

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2016

CORAM:

THE HON 'BLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No.23384 of 2016

and W.M.P.No.20048 of 2016

A.Santhi

... Petitioner

Versus

1. The District Collector, Coimbatore - 641 018
2. Tamil Nadu State Marketing Corporation Limited,
Represented by its Managing Director,
Thalamuthu-Natarajan Maaligai,
Egmore, Chennai - 600 008
3. The Deputy Commissioner of Excise,
District Collectorate, Coimbatore - 641 018
4. The District Manager, TASMAC, Coimbatore (North),
Coimbatore - 641 030
5. The Commissioner of Police, Coimbatore City,
Coimbatore - 641 018
6. The Inspector of Police, Sarvanampatti Police Station,
Coimbatore - 641 035
7. R.V.Jai Ganesh
8. R.Senthilvel

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus to direct the respondents 1 to 6 herein to consider the complaints of the petitioner, dated 16.10.2015, 11.03.2016, 06.06.2016, 13.06.2016 and 14.06.2016 and prevent the respondents from allowing or conducting business of TASMAC Shop No.1724 and the Bar at Door No.61 Athipalayam Road, Ganapathy, Coimbatore - 6.

For Petitioner : Mr. K.Doraisami, Sr. Counsel,
for, Mr. Kandhan Duraisamy

For Respondents : Mr. A.Zakir Hussain, Govt. Advocate,
for R-1, R-3, R-5 & R-6
Mr. B.Nedunchezian, for R-2 & R-4
Notice Dispensed with for R-7

O R D E R

Heard Mr.K.Doraisami, learned senior counsel, assisted by Mr. Kandhan Duraisamy, learned counsel appearing for the petitioner and Mr.A.Zakir Hussain, learned Government Advocate, appearing for respondents 1, 3, 5 and 6 and Mr. B.Nedunchezian, learned Standing Counsel, for respondents 2 and 4.

2. The petitioner has filed this writ petition seeking for the issuance of a writ of Mandamus, directing respondents 1 to 6 herein to consider the complaints of the petitioner, dated 16.10.2015, 11.03.2016, 06.06.2016, 13.06.2016 and 14.06.2016 and prevent the respondents from allowing or conducting business of TASMAC Shop No.1724 and the Bar at Door No.61 Athipalayam Road, Ganapathy, Coimbatore - 6.

3. From the counter affidavit filed by the fourth respondent, it is seen that a decision has been taken by the TASMAC to shift the shop in question, and they are awaiting orders of the District Collector.

4. The learned senior counsel appearing on behalf of the petitioner submitted that inspite of the statement made by the TASMAC before this Court on 11.07.2016 that the bar licence have been cancelled and the bar has been closed, till date it is functioning.

5. If the bar licence has already been cancelled, the question of running the shop does not arise and if inspite of the same, the fourth respondent is permitting the shop to be run, then disciplinary action should be taken against the District Manager, TASMAC, Coimbatore North, (fourth respondent) by the second respondent.

6. Subject to the above, since orders are awaited from the first respondent, there will be a direction to the second respondent to address the first respondent, within a period of two weeks from the date of receipt of a copy of this order, requesting permission to shift the shop. On such request being made, the first respondent shall direct the shifting of

the shop and pass appropriate orders within a period of three weeks from the date of such request being made by the second respondent.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srk

To

1. The District Collector, Coimbatore - 641 018
2. The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
Thalamuthu-Natarajan Maaligai,
Egmore, Chennai - 600 008
3. The Deputy Commissioner of Excise,
District Collectorate, Coimbatore - 641 018
4. The District Manager, TASMAC, Coimbatore (North),
Coimbatore - 641 030
5. The Commissioner of Police, Coimbatore City,
Coimbatore - 641 018
6. The Inspector of Police, Sarvanampatti Police Station,
Coimbatore - 641 035

1 cc to M/s.M.Muthumani Doraisamy, Advocate, sr.43353

1 cc to Government Pleader, sr.43322

सत्यमेव जयते

W.P.No.23384 of 2016
& W.M.P.No.20048 of 2016

ssk co

kra 01.08.2016

WEB COPY