

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2016

C O R A M

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

W.P.No.30702 of 2016

and

WMP.No.26601 of 2016

K.Selvaraj

... Petitioner

Versus

1. The Managing Director
Tamil Nadu State Marketing Corporation
Ganthi Irvin Road, Egmore, Chennai.

2. The District Collector,
Collectorate, Thirupur District.

3. The District Manager,
Tamil Nadu State Marketing Corporation
TASMAC, Thirupur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the order of Na.Ka.No.730/2016/F. Dated 16.08.2016 issued by the 3rd respondent District Manager, Tamil Nadu State Marketing Corporation TASMAC Thirupur District and quash the same.

For Petitioner : Mr.M.Balaji

For Respondents 1 & 3 : Mr.C.Kasi Rajan

For 2nd Respondent : Mr.S.Diwakar
Special Government Pleader

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ORDER

Heard Mr.M.Balaji, learned counsel for the petitioner; Mr.C.Kasi Rajan, learned Standing Counsel accepts notice on behalf of the respondents 1 & 3 and Mr.S.Diwakar, learned Special Government Pleader accepts notice on behalf of the 2nd respondent and with their consent, the Writ Petition itself is taken up for final disposal.

2.The petitioner has challenged the order passed by the 3rd respondent cancelling the licence granted to the petitioner to sell eatables and collect empty bottles in the Bar attached to the TASMAC Retail Vending Shop No.2318. The allegation against the petitioner is that he had served liquor to the persons in the Bar in a smaller measures and this according to the respondent Corporation is not permissible because only persons, who purchased liquor from the TASMAC Retail Vending Shop, are allowed to consume the said liquor purchased by them in the Bar attached and in the Bar, there can be no vending of liquor. The petitioner's case is that there is no liquor bottles sold in the bar and the First Information Report lodged against the petitioner is only based on assumptions and enquiry is still pending. Therefore, the petitioner would contend that the impugned order is erroneous.

3.Considering the fact that the 3rd respondent has considered the petitioner's reply and passed the impugned order, the petitioner is directed to file an appeal to the 1st respondent as against the impugned order, enclosing all the details and records that he may possess. The petitioner can also state about what happened to the criminal case which was registered against him. The petitioner is granted two weeks time to file the appeal and the 1st respondent shall consider the same within a period of three weeks from the date of receipt of a copy of the appeal petition.

4.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

sgl

To

1. The Managing Director
Tamil Nadu State Marketing Corporation
Ganthi Irvin Road, Egmore, Chennai.
2. The District Collector,
Collectorate,
Thirupur District.

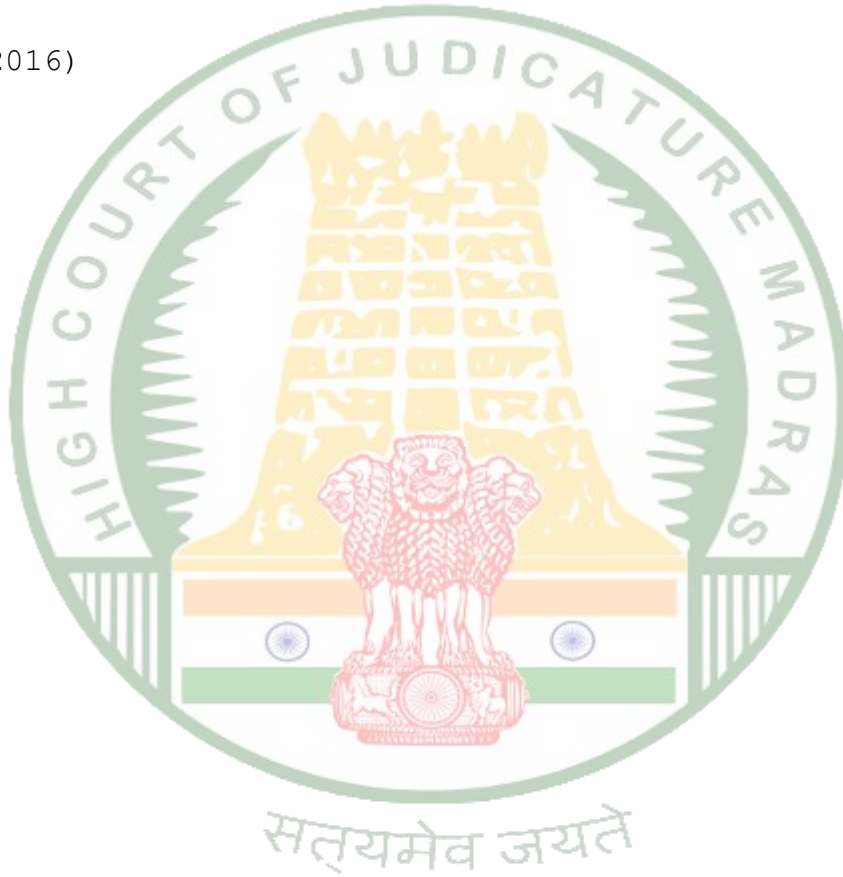
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3. The District Manager,
Tamil Nadu State Marketing Corporation
TASMAC, Thirupur District.

+1cc to Mr.M.Balaji, Advocate, S.R.No.49886
+1cc to Mr.C.Kasi Rajan, Advocate, S.R.No.50004
+1cc to the Government Pleader, S.R.No.50299

W.P.No.30702 of 2016

MP1 (CO)
CA(12/09/2016)



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