



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.2328 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

A.Kalithasan : Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Manager,
Tamil Nadu State Marketing Corporation,
Tirunelveli District,
Tirunelveli.

: Respondents

PRAYER: Writ Petition is 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 dated 11.02.2015 in Moo.Mu(X2)/1177/15, from the file of the first respondent and quash the same and consequentially, forbearing the respondents from opening a new liquor shop at door number 58/4, Thirunelveli Main Road (Tirunelveli to Kollam State Highways SH39), Keelapavoor Village, Alangulam Taluk, Thirunelveli District.

For Petitioner : Mr.T.R.Jeyapalam
For Respondent No.1 : Mr.T.R.Janarthanan,
Additional Government Pleader
For Respondent No.2 : Mr.M.Muniyasamy
Advocate Commissioner : Mr.B.Jameel Arasu

O R D E R

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

The petitioner has come up with this Public Interest Litigation seeking to quash the proceedings of the first respondent in Moo.Mu(X2)/1177/15, dated 11.02.2015, on which, the first respondent has proposed to establish a TASMAL vending shop at Thirunelveli Main Road (Tirunelveli to Kollam State Highways SH39), Keelapavoor Village, Alangulam Taluk, Thirunelveli District.



2. We have heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second respondent. We have also perused the records carefully.

3. Earlier, when the matter came up for hearing, since various grounds raised by the petitioner were disputed by the respondents, an Advocate Commissioner was appointed by this Court. Accordingly, Mr.B.Jameel Arasu, Advocate Commissioner has filed his report. In that report, he has also filed a rough sketch drawn showing the location of the proposed shop and the photographs.

4. The inspection of the place in question was made by the Advocate Commissioner in the presence of the District Manager of TASMAL, after due notice. After having seen the report of the Advocate Commissioner and also the objections raised by the villagers, Mr.S.Iyappan, the District Manager/Deputy Collector, TASMAL Limited, Tirunelveli, who is present before this Court, very fairly submitted that he would drop the present proposal to have the shop in the place in question and instead, he would establish a shop elsewhere, which is suitable. The said statement is recorded and the fairness of the District Manager is also appreciated.

5. In view of the same, this Writ Petition is disposed of recording the above undertaking given by the District Manager, TASMAL Limited, Tirunelveli. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Manager,
Tamil Nadu State Marketing Corporation,
Tirunelveli District,
Tirunelveli.

+1cc to the special Government Pleader SR.No.58270

+1cc to Mr.T.R.Jeyapalam, Advocate SR.No.57579

SML

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