

In the High Court of Judicature at Madras

Dated : 23.11.2017

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.30174 of 2017 & WMP.No.32791 of 2017

A.Selvam (a) Muruganathan

...Petitioner

Vs

1.The District Collector, Tiruppur
District, Tiruppur.

2.The Revenue Divisional Officer,
Tiruppur.

3.The Revenue Tahsildar, Uthukuli,
Tiruppur District.

4.The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
rep.by the District Manager,
IMFS Depot, Godown No.1,
Tamil Nadu Warehousing Corporation,
Hungaripalayam Road, Tirupur District.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus forbearing the
respondents from locating/ opening a TASMAC wine shop at
Mettupudur Village, Chengapalli Panchayat, Uthukuli Panchayat
Union, Tiruppur District by considering and passing orders on
the representation of the petitioner dated 16.10.2017.

For Petitioner : Mr.P.Muthukrishnan

For Respondents 1 to 3 : Mr.R.Rajeswaran, SGP

For Respondent-4 : Mr.K.Sathishkumar

ORDER

Mr.R.Rajeswaran, learned Special Government Pleader
accepts notice for respondents 1 to 3. Mr.K.Sathishkumar,
learned Standing Counsel accepts notice for the fourth

respondent. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner, who is claiming to be a permanent resident of Uthukuli Taluk, Tirupur District, is aggrieved by the proposal mooted out by the fourth respondent to open a retail vending liquor shop in their village namely North Sanarpalayam, Chengapalli Post, Uthukuli Taluk, Tirupur District.

3. The petitioner would state that the villagers have raised objections, as the proposed shop violates the distance rule framed under Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. In this regard, the petitioner submitted a representation to the first respondent and sent the same by speed post on 16.10.2017.

4. The learned Standing Counsel appearing for the fourth respondent would submit that till date, the shop has not been located, as there are objections from the public.

5. In any event, the shop will not be located without the approval of the District Collector, which is mandatory.

6. The learned Special Government Pleader appearing for respondents 1 to 3 submits that if the representation has been given, it will be duly considered.

7. Taking note of the submissions of the learned counsel on either side, the writ petition is disposed of with a direction to the petitioner to furnish a fresh representation along with a copy of this order and a copy of the earlier representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the representation along with other enclosures from the petitioner, the first respondent shall consider the same on merits, direct one of his officers to inspect the proposed site, take note of the legal problems and pass a speaking order in accordance with law, within a period of ten weeks from the date of receipt of such representation. Till then, the liquor shop shall not be located in the proposed location. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Revenue Divisional Officer,
Tiruppur.

3.The Revenue Tahsildar,
Uthukuli, Tiruppur District.

4.The District Manager,
Tamil Nadu State Marketing Corporation Limited
(TASMAC), IMFS Depot, Godown No.1, Tamil Nadu Warehousing
Corporation, Hungaripalayam Road, Tirupur District.

+lcc to Mr.P.Muthukrishnan, Advocate SR.No.83430

+lcc to Mr.K.Sathish kumar, Advocate SR.No.83340

+lcc to Government Pleader SR.No.83694

WP.No.30174 of 2017&
WMP.No.32791 of 2017

GN(08/12/2017)



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